103

ADEQUACY OF COMMUTER AIRLINE SAFETY REGULATIONS

(103–44)

Y 4.P 96/11:103-44

Adequacy of Commuter Airline Safety... NG

BEFORE THE

SUBCOMMITTEE ON AVIATION

OF THE

COMMITTEE ON

PUBLIC WORKS AND TRANSPORTATION

HOUSE OF REPRESENTATIVES

ONE HUNDRED THIRD CONGRESS

SECOND SESSION

FEBRUARY 9, 1994

Printed for the use of the
Committee on Public Works and Transportation

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JACK SCHENENDORF, *Minority Staff Director*

MEMORANDUM

TO: Members of the Subcommittee on Aviation

FROM: Committee's Aviation Staff

DATE: February 4, 1994

RE: **SUMMARY OF SUBJECT MATTER** for hearing on **THE ADEQUACY OF COMMUTER AIRLINE SAFETY STANDARDS** on Wednesday, February 9, 1994 at 9:30 a.m.

The Subcommittee will receive testimony on the adequacy of commuter airline safety standards.

The Federal Aviation Regulations (FARs) distinguish between airline operations of aircraft with over 30 passenger seats and those with 30 or less. Part 121 of the FARs sets out the rules for large aircraft operators, and Part 135 does this for small aircraft operators. This hearing will focus on the differences between Part 121 and 135 standards and whether the Part 135 standards should be brought up to the Part 121 standards where they differ. (Part 135 also covers on-demand air taxes or charters, which are typically operated with aircraft with less than 10 seats, but this hearing will focus for the most part on scheduled Part 135 operations involving aircraft above 10 seats.)

I. THE COMMUTER AIRLINE INDUSTRY AND ITS SAFETY RECORD

The commuter airline industry (also known as the regional airline industry) is composed of airlines that typically provide scheduled air service with turboprop aircraft with fewer than 60 seats. Commuters carry approximately 12% of all passengers in the U.S.

In 1993, approximately 125 commuter airlines carried 52 million passengers on 2,100 aircraft. Despite the financial predicament of the large air carriers over the past four years, the commuter industry has remained financially healthy and vigorous and growing in all measures.

The commuter industry encompasses a very wide range of operators; however, the vast proportion of the traffic is carried by the large commuter carries. The largest 10 commuter carriers carry half the commuter traffic, and the largest 50 carry 98%.

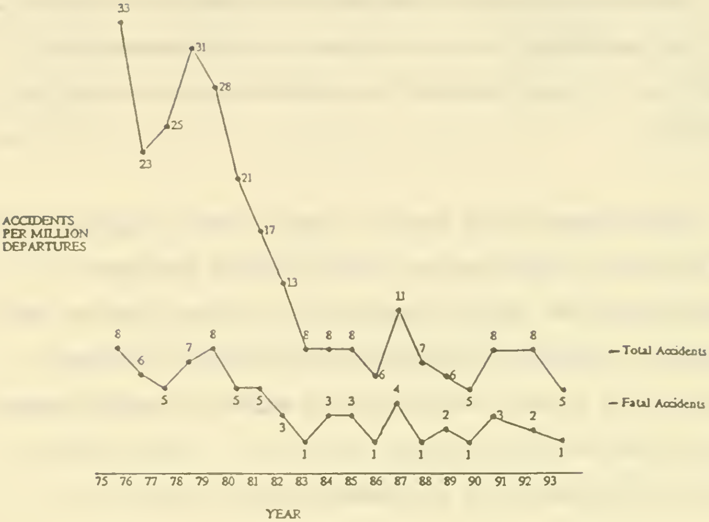
The large commuters all have affiliations with large airlines through outright ownership, substantial investment, or strong marketing and scheduling relationships. The typical commuter passenger flies on an aircraft that carries the logo and livery of a large airline, and tickets on commuter flights are virtually always marketed and sold under the name and computer reservations systems code of large airlines.

The large commuter carriers fly a mixture of Part 121 and 135 operations because of their fleet composition. About half of the commuter passengers fly on a Part 135 operation.

The backbone of a Part 135 operation is typically a 19 seat aircraft, such as the Brazilian-made Embraer Bandierante, the German Dornier 228, the British BAe 31 Jetstream, and the U.S. made Fairchild Metro. These aircraft are modern, sophisticated aircraft with advanced electronics and are flown by two pilots. They cruise at around 250 knots at an altitude of 25,000 feet.

Commuter airline accidents are quite rare events when examined in the context of total commuter flying. Also, the long term trend over the past two decades shows a dramatic improvement in the safety record, as illustrated by the following table. The commuter accident rate in 1993 was the lowest ever except for 1990 when it was slightly better.

Scheduled Commuter Airline Accidents
Per Million Departures
on Aircraft with Less than 30 Seats
1975-1993



In spite of this record, accidents and accident rates certainly indicate failures in the safety of the aviation system. Consequently, both individually and collectively, such accidents receive close scrutiny and intense evaluation by the public, government, and industry. Also, commuter airline safety receives attention because its record is not as good as the record for large airplane operations.

Part 121 airlines had a total accident rate in 1991 of 2.97 per million flights. In 1993, there were no passenger fatalities on a Part 121 carrier. (In fact there has not been a Part 121 passenger fatality in 22 months.) By comparison, in 1993, the total accident rate for commuters operating under Part 135 was 5.09 per million flights with fatal accidents occurring at a rate of 1.27 per million departures.

Approximately 2/3 of all commuter accidents are attributed to problems of pilot proficiency, judgement, training, and a lack of proper coordination and communication between flight crew members. Weather conditions also figure significantly in commuter airline safety.

II. DIFFERENCES BETWEEN PART 135 AND PART 121 STANDARDS

This section describes the significant differences between Part 121 and Part 135 regulations. Areas not mentioned are identical or similar in effect.

Flight Crew Training Requirements

The most significant differences between Part 121 and Part 135 lie in the area of pilot training. First, Part 121 regulations stipulate a set number of hours that a pilot must receive in various types of training. Part 135 provides that the training is required, but does not stipulate a fixed amount of time for that training in the regulations.

However, Part 135 regulations do require training to be accomplished in accordance with the airline's FAA approved operating specifications, which lay out the details of its training program, including the hours for the various types of training. This results in different standards for different Part 135 airlines, based on an FAA inspection office's judgement as to the complexity or size of the carrier's operations. It should be noted that FAA inspectors also have the authority to, and often do, make reductions in Part 121 hours-of-training standards if the carrier convinces the FAA that, because of use of simulators or other training aids and methods, such a reduction is warranted.

Another difference in training requirements is in the general area of recurrent training. Part 121 requires recurrent training and a proficiency check every six months. Part 135 operators only require the pilot to pass a proficiency check flight every six months. There is no firm recurrent training requirement for Part 135 carriers.

Three major airlines, United, Delta, and Northwest, also train their pilots in accordance with a Special Federal Air Regulation, which enables them to complete all of a pilot's required training at a single annual event, known as the Advanced Qualification Program. Airlines that participate in this program must include training that emphasizes crew resource management (training as a crew member in a cockpit) as opposed to just individual flying proficiency. The program is also very good at identifying a pilot's weaknesses and correcting them. This type of training has come to be recognized as the most effective in terms of safety. Airlines who elect to be in this program avoid many of the specific Part 121 requirements, but are required to keep comprehensive data on pilot testing and scores. This program requires a philosophical and resource commitment by the airlines' management that is greater than following the regular Part 121 standards. No commuter carriers participate in the Advanced Qualification Program.

The FAA is in the preliminary stages of considering rule changes to both Part 121 and Part 135 pilot training regulations. First, Part 121 and Part 135 would be made equivalent in the areas that they differ. For Part 135, hours would be specified for particular types of training, and six month recurrent training would be required. Further, both Part 121 and Part 135 would be upgraded to require the cockpit resource management type of training that is provided as an aspect of the Advanced Qualification Program.

This regulatory proposal is still being developed within the agency and has not yet been issued in proposal form. The commuter airline industry and pilot community are generally supportive of these changes.

Flight and Duty Time Limitations

Both Part 121 and Part 135 establish the maximum number of hours pilots can be on duty at a single stretch, a week, a month, and a year. Part 135 generally permits more flying than is permitted under Part 121. The following table illustrates the differences in the regulatory standards.

Flight and Duty Time Limitations

	Single Stretch	Week	Month	Year
Domestic Part 121	8 hours*	30 hours	100 hours	1,000 hours
Scheduled Part 135	8 hours*	34 hours	120 hours	1,200 hours

* Can be increased if actual fight time exceeds planned time due to circumstances beyond the control of operator. Additional compensatory rest is required in these circumstances

Commuter flight time limitations are a subject of strong debate between the pilot community and airline management. The pilot community believes pilot fatigue is a very significant operational safety issue in the commuter industry, while management believes there is no safety benefit to changing the Part 135 requirements, as is evidenced by a review of commuter accident causes and factors. In order to meet the Part 121 standards, management says a great deal of costs would be incurred because more pilots would have to be hired.

Flight Crew Experiences

From a regulatory standpoint there are no differences in the type of certificate pilots must hold to operate under Part 121 or Part 135. Under both parts, pilots must have an air transport rating, the highest level of a pilot's license.

However, in practice, experience levels of commuter pilots are on average lower than large carrier pilots. Commuters are often the starting point in the career of a pilot, and a place to gain enough experience to meet the employment standards of a large carrier.

This situation is not as pronounced as it used to be because the financial predicament of the large carriers has forestalled the hiring of new pilots. In the past few years, pilots have been remaining longer at commuters, for lack of employment opportunities with the large carriers.

Dispatch Requirements

Part 121 scheduled carriers are required to have dispatch and flight release system as an integral part of their operations. The rules state "...no person may start a flight unless an aircraft dispatcher specifically authorizes that flight."

Dispatchers are FAA licensed personnel employed by an airline that must be fully aware of weather conditions, flight plans, fuel requirements, alternative airports, any special circumstances (such as runway or airport closings), and an aircraft's maintenance record and requirements. The dispatcher, using all of this information, authorizes a flight to be made. A pilot in command cannot, on his or her own, decide that a flight is ready to go. This is a joint decision of the pilot and dispatcher under Part 121.

Part 121 also requires that the airlines have a communication system by which the dispatcher can be in direct contact with a flight crew in order to relay information on changing weather condition and other vital information.

Under Part 135, an airline is not required to have a dispatching system. Unlike under Part 121, where many of the flight preparation and planning responsibilities are joint between pilot and dispatcher, under Part 135 these are solely, from a regulatory standpoint, pilot responsibilities. An airline under Part 135 is required to be able to determine, at any given time, where its aircraft are; which means that a communication system must be in place between the airline and the flight crew.

Aircraft Deicing Requirements

After an accident at New York's LaGuardia Airport in 1992 in which it was determined that the pilots failed to detect ice on the wings, the FAA made wholesale changes in aircraft deicing regulations and procedures for Part 121 carriers. Pilots are now required to make a positive determination that there is no ice on the wings prior to takeoff if an aircraft has exceeded a certain amount of time since being decided, or return to the gate to be redeiced. Prior to this, there was just a general admonition that there should be no ice on the wings. There have also been significant changes in pilot and ground crew training with respect to deicing procedures.

These rules were issued in September 1992 and did not apply to Part 135 carriers. Since then, the FAA has issued new deicing rules for Part 135 which took effect 10 days ago.

Instrument and Equipment Differences

There are a number of differences in the instrument and equipment requirements for commuter and large aircraft. However, differences here usually come at the 'more-than-19-

seat' threshold as opposed to the 'more-than-30-seat' threshold.

First aid kits, passenger seat belt/smoking signs, and public address systems are not required on aircraft with 19 seats or less.

Low altitude windshear warning and detection systems are not required in Part 135. The reason for this is that small aircraft are not as susceptible to aerodynamic stall from a windshear as large aircraft are.

Collision avoidance equipment requirements are different. Part 121 aircraft are required to have a system known as TCAS II. TCAS II provides warnings to a pilot when the future trajectory of his or her aircraft would intersect with another aircraft. In addition to the warning, an aural directive to climb or descend is provided to the pilot to avoid intercepting the other aircraft's trajectory.

Part 135 aircraft are required to have TCAS I which only provides a warning (no climb or descend directive). TCAS II has technical difficulties in small aircraft in that the antenna cannot be properly spaced due to the size. TCAS II was fully implemented in the Part 121 fleet as of December 31, 1993. Commuter carriers have until February 9, 1995 to equip aircraft with more than 9 seats with TCAS I.

Part 121 has had a requirement since the mid-1970s to have ground proximity warning systems which alert a pilot that the aircraft is approaching the ground unprepared to land safely. Part 135 carriers have only recently been required to have this equipment. After April 20, 1994, all aircraft with 10 or more seats will have ground proximity warning systems.

Flight Attendants

Flight Attendants are not required on aircraft with 19 or fewer seats.

III. ANTICIPATED WITNESSES

o Administrator David Hinson*
Federal Aviation Administration

* Note: This will be Administrator Hinson's first appearance before the Subcommittee on Aviation since he took office.

o Chairman Carl Vogt
National Transportation Safety Board

o Mr. Walt Coleman, President
Regional Airline Association

o Captain J. Randolph Babbitt, President
Captain Linda Nalwalk, Chairman- Presidential Committee for One Level of Safety
Captain Stephen Ormsbee, Regional Airlines Committee
Air Line Pilots Association

o Mr. Michael Nadon, President
Airline Dispatchers Federation

o Ms. Geraldine Frankoski, Director
Aviation Consumer Action Project

ADEQUACY OF COMMUTER AIRLINE SAFETY REGULATIONS

WEDNESDAY, FEBRUARY 9, 1994

House of Representatives,
Subcommittee on Aviation,
Committee on Public Works and Transportation,
Washington, DC.

The subcommittee met, pursuant to call, at 9:39 a.m., in Room 2167, Rayburn House Office Building, Hon. James L. Oberstar [chairman of the subcommittee] presiding.

Mr. Oberstar. The Subcommittee on Aviation will please come to order.

The subcommittee convenes today to continue its inquiry into commuter airline safety regulations. The question before us, in very brief summary, is: should FAA safety regulations be modified to establish a single standard for all scheduled operations, regardless of aircraft size? Otherwise put, should we remove in all significant respects the disparity that exists between large aircraft, all jet aircraft and the smaller size aircraft that are characteristic of the commuter airline industry?

Today, Federal Aviation Regulations in certain key areas differ between operations involving aircraft with 30 or fewer passengers and those with more than that number. These differences are particularly important in the areas of pilot training, dispatching, flight time restrictions and various equipment requirements, various kinds of equipment that are required on large jet aircraft, not required on smaller aircraft.

Part 121 of the regulations governs large aircraft operations, and Part 135 of Federal Aviation Regulations provides requirements for smaller aircraft. Those who are participating at this hearing will hear these terms referred to throughout testimony and throughout questioning by Members. I just thought it useful to get those two terms defined: 121, large aircraft; Part 135, smaller aircraft.

The regional or otherwise known as commuter airline industry has become a very significant player and a very important part of the support system in our air transportation network. In fact, the commuter airline sector flies more passengers today than all airlines did in 1958. Last year, that was 50 million passengers, which represented 12 percent of the total passenger trips in this country. Half of these passengers fly in Part 135 aircraft.

To be fair to the FAA, in the aftermath of enactment of Deregulation in 1978, the Agency anticipated a growth of activity in this sector and upgraded and strengthened its Part 135 regulations. They went through a process of recertificating all existing carriers and has issued a number of upgrades since then, about 40 in number. The question is whether that is sufficient and whether the FAA has moved fast enough. Have they pushed the regional carriers to comply soon enough to establish the margin of safety that people, air travelers, expect?

This is an industry that has operated very safely. That margin of safety has improved tremendously. I think we will have interesting testimony from Administrator Hinson this morning about the rate of improvement in the commuter sector.

We also have to acknowledge that aircraft that operate in this sector are also operating under perhaps the most adverse of conditions. Most of the time these operations are conducted just above or just below the cloud line, in the most adverse of weather conditions. They spend more of their time in such conditions than do large jet aircraft.

They operate oftentimes at airports that do not have all the modern and most advanced and sophisticated technology, the larger airports of this country. They operate in terrain that is often challenging to pilots.

When the typical air traveler boards an aircraft, whether it is starting out from a large city going to a smaller one or, from a small city going to a larger hub, that passenger simply assumes, makes an act of faith, that the standards for that small aircraft, that small airline, are the same as for the large airlines.

They are getting on an aircraft that carries the colors, the logo and all the appearances of a big airline. The ticket is often written with the same name as the large carrier with which it is affiliated. In the eyes of the passenger, it is just a little different type of aircraft of the same operation, same overall operation, as the large airline. They have a right to expect the same level of safety for that small carrier and that small aircraft as they expect of its larger brother.

When one of those aircraft crashes, the headlines don't say Express Two or Express One or Air Link. They say, as they did in the case of the crash near my hometown of Chisholm at Hibbing, Minnesota, Northwest Airlines crash—the subtitle may say an affiliated carrier, but the headline refers to the overall carrier, the larger affiliated carrier.

People wonder why things aren't the same. You try to explain to the families, to the survivors who lost a loved one or a friend, a family member, the differences between Part 121 and Part 135. They are not interested. They don't care. They care only that someone died, and they want to know why and how it could have been prevented.

So we come to the issue of why there are two standards in many areas, many aspects of those two standards, why there are no technical reasons for there to be two standards. It is long past time to bring these regulations in line and establish a single standard, a common measure of safety for commuter and regional carriers.

If anyone who is in the regulation-writing business or in the management side of one of those commuters would sit next to a passenger and ask, as I have done, a passenger on one of those carriers if they know that pilot training standards are less stringent for regional and commuter carriers, that no dispatch system is required—you have to explain to people what a dispatch system is and does and why it is important for safety—and that pilots on smaller airlines are allowed to fly more hours per month than pilots on large airlines, the look you get is one of absolute disbelief. Why? You have got to do something, they say.

That is why this hearing, as the one that preceded it in 1992 and many other hearings of this subcommittee and of the Subcommittee on Investigations and Oversight, which Mr. Clinger and I worked on together several years, is being held.

I want to welcome our first witness today, Administrator Hinson, his first appearance before this subcommittee and one of, I am sure, many that we will enjoy. We will spend many hours together, exploring aspects of aviation. But I particularly appreciate that he is making his first appearance here on an issue of safety. I think that stamps a cachet upon his leadership of this agency which I particularly appreciate.

The Chair is very pleased to recognize the gentleman from Pennsylvania, Ranking Member of the subcommittee, Mr. Clinger.

Mr. CLINGER. Thank you very much, Mr. Chairman, and I, too, would like to welcome Mr. Hinson to the subcommittee this morning.

As you indicated, Mr. Chairman, since the advent of deregulation, regional airlines have grown from small mom-and-pop companies flying piston powered aircraft into a highly evolved, capital intensive network of companies flying sophisticated, high-performance aircraft. As a consequence of this growth, many regional carriers operate under both Part 135 and Part 121 standards, and their performance, I think, has reflected an improvement in safety.

Last year, out of 3,144,000 departures, regionals suffered 16 accidents, four of them resulting in fatalities, I think a very good record by almost any standard but one that can and should be improved.

To be successful today, a regional aircraft must be safe, fast, fuel efficient and able to survive high frequency operations in demanding environments. Regionals tend to operate flight profiles that are lower and slower than their larger cousins. And, as recently as the 1970s, it may have been safe to characterize these aircraft as less demanding on flight crews than, for instance, a Boeing 737, but that may not be the case today.

In fact, I think it could be argued that, in a majority of instances, flight crews working for regional carriers are subject to equal or increased work loads and stress levels, similar to turbojet pilots, because of the frequency of takeoffs and landings performed each duty day and congestion at the lower cruise altitudes they must utilize.

Also, given the need of regionals to schedule their arrivals and departures according to the timetables of the large carriers, regionals tend to get their flights into the skies a couple hours earlier than the majors, as well as having the last flights out of hub airports in the evenings. As a result, the duty days and the rest periods of regional pilots can be a rather odd lot.

Despite the industry's enviable record, I continue to be concerned about the ability of regionals to recruit and retain experienced pilots. Many industry observers would agree that until recently regionals were oftentimes considered a training ground for pilots to gain operational experience as an entree to a major carrier, but the financial difficulties the majors have been experiencing lately has significantly slowed that trend. If and when the majors return to profitability and growth, I fear that regional carriers will suffer a major erosion of good, experienced pilots.

I also worry that the regional carriers face a much more daunting task training new hires. The sophistication and speed of the newer models, and the demands of flying to and from crowded hubs seems to me to present a much greater learning curve to the fledgling pilot than at any time previously, and I would strongly urge the industry and the FAA to ensure new hire pilots receive the necessary experience and training.

Mr. Chairman, despite these concerns, I think the regional air carrier industry is safe and is growing safer each year. It is a maturing industry. More and more travelers have come to rely on regional carriers to get them to their destination. The equipment is faster. It is safer, more efficient and comfortable. And major carriers have come to rely on regionals as an integral part of their systems.

Regional air carriers are also one of the few profitable segments of the industry. To our request to make them safer—and that is, of course, the purpose of the hearing—we should be careful not to impose on them too burdensome regulations to push them into the red.

I am a very frequent user, as I know you are, of regional carriers, and but for an occasional spasm of sticker shock, I have come to count on the high frequency and convenience of regionals to travel to and from my district.

So I again welcome Administrator Hinson here this morning—and Mr. Broderick is a frequent visitor of this committee—and look forward to your testimony.

Thank you, Mr. Chairman.

Mr. OBERSTAR. Thank you, Mr. Clinger. At this time I would like to place Mr. Costello's prepared statement in the record. [Costello's prepared statement follows:]

[Mr. Costello's prepared statement follows:]

STATEMENT OF HON. JERRY F. COSTELLO

Mr. Chairman, I would like to thank you for calling the hearing today to discuss the adequacy of the commuter airline safety standards. I believe it is important that we, as a Subcommittee, take the safety of air travel seriously and look carefully at the industry's safety record.

In addition, because of the possibility of changes being proposed by the Federal Aviation Administration, our Subcommittee must be fully informed about the current safety standard requirements so that the changes can be adequately analyzed.

I would like to welcome the distinguished panelists who have assembled to discuss this issue, particularly Mr. David Hinson, the new Administrator for FAA, who has not yet testified before our Subcommittee. I look forward to hearing your testimony and benefitting from your insight into the issues we will discuss.

Again, Mr. Chairman, thank you for calling for this hearing and for your leadership on aviation issues.

Mr. OBERSTAR. Mr. Geren.

Mr. GEREN. I have no opening statement.

Mr. OBERSTAR. Ms. Cantwell. Mr. Boehlert. Mr. Inhofe.

Mr. INHOFE. Thank you, Mr. Chairman. I have been looking forward to this meeting just to get to know a little bit more about Mr. Hinson.

As has been mentioned already, Mr. Broderick is a frequent visitor here, has always been so great to work with, but I want to make sure that everybody is fully aware Mr. Hinson is an Oklahoman. He is from Muskogee, Oklahoma, a little bit south of my district and east of my district, but nonetheless we—he will bring some good Okie common sense into the FAA, and I am looking forward to that.

I understand you also have an extensive background that I have been able to look at and study, and I am enthusiastic that you have general aviation in your background. And while you have 8,000 hours and I have 7,000 hours, if we ever get bogged down we can swap airplane lies. So I look forward to serving with you.

Mr. OBERSTAR. Mr. Ewing.

Mr. EWING. Thank you, Mr. Chairman.

I am glad to have the opportunity to be here today on this important matter and to hear from the new Director of the FAA. It will be good to hear your testimony and to be able to converse with you.

Thank you very much.

Mr. OBERSTAR. Ms. Dunn.

Ms. DUNN. Thank you, Mr. Chairman. No opening statement.

But, Mr. Hinson, I must tell you that I have certainly had some complimentary remarks made about you by mutual friends that we have in the Seattle area and elsewhere. And it is very nice. I look forward to hearing from you, getting to know you a little bit better and reporting back to my pals that you are doing a great job.

Mr. OBERSTAR. Ms. Danner.

Ms. DANNER. No, Mr. Chairman. No comments at this time.

Mr. OBERSTAR. Mr. Kim.

Mr. KIM. No comments, Mr. Chairman.

Mr. OBERSTAR. Mr. Horn.

Mr. HORN. This is a tremendously important hearing for California. We have commuter airlines throughout the State, and we have had some safety problems. So I appreciate both your statement and Mr. Clinger's as we opened, and I am delighted to welcome the new Administrator.

Mr. OBERSTAR. The Chair would also like to welcome a new Member of the full committee, Mr. Ehlers of Michigan. Welcome to sit in with the subcommittee and to participate in the questioning.

Mr. EHLERS. Thank you very much.

Mr. OBERSTAR. Again, we welcome our FAA Administrator, David Hinson, who has moved with dispatch to establish himself as administrator of this agency, which we hope will be for a very long time to come. If our legislation passes, signed into law, it will be a five-year term. You may think of it as a sentence, rather than a term.

But we are glad to have you with us this morning. You come with a long, distinguished career of service in aviation and, clearly, so far, a determination to make safety a priority and to fix what needs fixing at FAA.

We also welcome Mr. Broderick, whom I often refer to as the blocking fullback of the FAA. Whenever there is a big problem to be untangled, send Broderick in, and he does the job. And he does it with great respect from all professionals.

Mr. Hinson.

TESTIMONY OF HON. DAVID R. HINSON, ADMINISTRATOR, FEDERAL AVIATION ADMINISTRATION, ACCOMPANIED BY ANTHONY J. BRODERICK, JR., ASSOCIATE ADMINISTRATOR FOR REGULATION AND CERTIFICATION

Mr. HINSON. Good morning. Thank you Mr. Chairman, and Members of the committee.

Before I read my statement, I would like to make one comment. I think it is appropriate that my first testimony in a hearing of this nature as Administrator be about safety. Safety is clearly the single most important driving concern of the 50-odd-thousand men and women that staff the FAA. Safety is clearly our single and most important mandate.

My experiences have taught me the importance of safety. I have been a member of three National Transportation Safety Board air carrier accident investigation teams. I have hiked in and around those accidents. And I want to assure you I understand exactly how important this job is.

I welcome the opportunity to appear before you today to discuss the topic of commuter airline safety, which is an issue of longstanding interest both to the Subcommittee and to the FAA. We appreciate both the support and the leadership this Committee has shown in this area.

And, as you have already noted, accompanying me today is Mr. Tony Broderick, FAA's Associate Administrator for Regulation and Certification.

Commuter airlines, which are covered by Part 135 of the FAA safety regulations, are an integral part of our Nation's air transportation system, providing safe air transportation to millions of travelers every year. With the advent of airline deregulation in the late 1970s, the role of commuters became and has become increasingly important, particularly for those in small and rural communities. They remain vitally necessary today.

As commuter airlines have adapted to changes in the air transportation industry, we have seen pronounced changes in that segment of the industry. Today, there are approximately 140 airlines flying as commuters, compared to 250 in 1978. We have seen a major trend toward integration of operations with the major and national carriers, along with a consolidation of commuters to form larger commuter airlines.

Parallel to those changes has been a dramatic change in the commuter fleet composition. Whereas the earlier fleet was predominantly comprised of smaller, general aviation-type aircraft, today's fleet is made up of increasingly newer, larger aircraft. Average seats per aircraft—or in the industry's jargon, per departure—for example, have grown from 11.9 in 1980, to 23.4 in 1992.

In 1978, commuters flew 667 aircraft in the one-to-nine seat category. Today that number has shrunk to 489. Aircraft in the 10-to-19 seat category have tripled from 1978, from about 270 to 796. We have seen also a six-fold increase in the 20-to-30 seat category, from 36 up to 210. And in annual flight hours, operations of the

20-to-30 seat aircraft have grown from just 34,000 in 1978 to 591,000 in 1992.

Since deregulation, we have seen a steady increase in commuter airline activity. Commuter operations, measured in aircraft hours flown, have grown from 1.3 million in 1978 to nearly 2.4 million last year, in 1993. Despite the adverse economic conditions that so affected the major carriers over the past several years, the commuters were relatively unaffected, and we forecast they will continue to outpace the larger air carriers—with respect to growth, of course.

In anticipation of an increasing reliance on commuter airlines that would result from a deregulated industry, the FAA totally rewrote, as you have already pointed out, its Part 135 regulatory standards for commuter airlines. We did this back in 1978. That revision dramatically increased the safety requirements for commuters, helping to bridge the wide gap that had existed with the Part 121 safety standards. Each commuter airline was then recertificated by the FAA to assure that it met those higher standards.

Following the issuance of the upgraded Part 135 standards, we have experienced a long-term improvement in the safety record for commuters. In 1978, the accident rate for commuters per 100,000 hours was 4.685. In 1993, it was down to .718. Under any measure, and despite occasional spikes in a given year that may occur due to the generally low numbers of accidents overall, the commuter safety record has continued to show improvement. The chart that we have set up and which is attached to this testimony reflects that fact.

Last year, we enjoyed the second lowest recorded accident rate ever for the commuter airlines. Overall commuter accidents dropped to 16 from the 23 experienced in 1992. The number of fatal accidents also decreased, from 7 to 4. Unfortunately, we experienced an increase of three fatalities over the 1992 record, attributable to the tragic accident in your home state, Mr. Chairman, in which 18 lives were lost.

If we apply the 1978 commuter accident rate per 100,000 flight hours to the 1993 traffic levels—and let me just restate this. This is a very important point. If we were to apply the 1978 commuter accident rate per 100,000 flight hours to the 1993 traffic levels, we would have experienced 111 accidents last year rather than 16. I think that that is a very telling statistic, Mr. Chairman.

The same analysis shows that there would have been 25 fatal accidents, instead of the four that were experienced.

Both of those demonstrate the results of the interaction of the FAA and this Committee with respect to improving safety levels of the commuters.

While the earlier upgrade of the commuter rules narrowed substantially the differences between the rules for the Part 121 carriers and the commuters, differences did remain. Therefore, since 1978, the FAA has issued approximately 40 additional rule changes, further upgrading commuter safety requirements.

Recently, for example, the FAA has required the implementation of new deicing requirements, as well as the carriage of Ground Proximity Warning Systems, GPWS.

Although the commuter safety record has been improving, there are additional actions we can take to bring additional improvement. To that end, I earlier instructed my staff to analyze the commuter record with a view toward identifying additional safety actions we should consider. An analysis of that record shows that the human factors element is associated with more than 70 percent of commuter accidents. For that reason, we concluded that changes in pilot training should be considered.

We are currently developing a rulemaking proposal for issuance later this year that will propose the adoption of upgraded pilot training requirements for the commuter industry. Our proposal will seek comments on applying Part 121 pilot training standards to Part 135 operators, and will focus on the benefits of crew resource management, or CRM training for commuter flight crews.

We believe that, in the near-term, improvements in pilot training and coordination could provide the maximum safety benefit for commuter passengers. The National Transportation Safety Board's recently released study of 37 aircraft accidents confirms for us that our approach will address crew resource management and enhanced training, and that is the right approach and the right path to follow.

I have also asked Mr. Broderick to review other areas, primarily in aircraft equipage, where our standards for Parts 135 and 121 differ. If this review identifies other areas where changes are appropriate, we will not hesitate to make them.

In closing, Mr. Chairman, I want to stress the FAA's commitment to assuring the safety of our commuter industry. The record shows that the efforts we and the industry have made so far have provided a high level of safety for the traveling public. In addition, the reasoned and diligent oversight of this subcommittee has provided impetus to these efforts. Nevertheless, there is more we can do to continue to improve upon the safety record, and we will do so.

We appreciate your long-standing interest in this critical segment of our air transportation industry and look forward to your continued support of our efforts to seek additional improvements.

That completes my prepared statement, Mr. Chairman.

Mr. OBERSTAR. Thank you very much, Mr. Hinson.

As I read your—with great interest—your comparison of the numbers and projection that, if safety had not improved, the number of accidents that would have happened, the record is very commendable, but I think—I couldn't help musing, last night, about putting this in context.

If we had gotten to 110 accidents, that is one every third day. The FAA or the Congress or the public would have shut down that industry long before it had gotten to that point.

In 1956, when this Public Works Committee authorized the interstate highway system, 36 people—36,000 people died in highway accidents, pre-interstate. The projection was that, if we didn't do something about highway safety and build a safer road network, in a decade and a half we would kill 110,000 people. Of course, people would have stopped driving long before then.

In 1956, Americans drove 800 million miles and 36,000 people were killed. In 1993, some 46,000 people died on highways where we drove 3 trillion miles.

You can play with the numbers, and they tell stories, and they are important, but I think we have to keep our focus—and I am not saying this critically—on the central mission of the FAA, which is safety, the highest level of safety. Is there a difference in regulatory approach between this administration and its predecessor?

Mr. HINSON. Well, I assume, Mr. Chairman, that every previous FAA Administrator and all of those involved have been diligent and meaningful in their attempts to deal with the very serious and ongoing issue of airline safety.

I think maybe the one way I might be able to answer that question is to relate my experience with Secretary Peña and the President when I was invited to consider this job. The Secretary and I had long discussions about our views—our respective views—of airline safety. And after those discussions, which were the result of several meetings, I was convinced that the Secretary was and is extremely interested and very supportive of aggressive safety oversight.

And, in fact, it was one of his admonitions for me considering this job and gaining his approval that I would be able to reflect that in my administration of the Agency. I am sure and he related to me that that was the President's view as well.

So if that answers your question from that perspective, I can assure you that the Secretary and the President consider air carrier safety extremely important and look to me as their principal reference and authority in that area.

Mr. OBERSTAR. Well, we have been through quite a period, and we are not through it yet, of industry raising objections at every turn to new regulations that are a burden upon us. The Airline Commission came back with reports about burdensome regulations, and the Administration has talked about easing regulations.

And, you know, if that is going to be the approach, whether it is flight duty time regulations, that take months and months and stretch out into years to issue, or Ground Proximity Warning Systems, take months to get into effect and then months more or years more before they are actually implemented, then I am going to be disappointed.

But I accept what you have said, and we will watch with great interest the speed with which the FAA under your leadership moves to implement safety regulations.

Mr. HINSON. My view, Mr. Chairman, of the Airline Commission's request for taking another look at the regulatory burden that is imposed upon the air carrier industry is that they are not asking of anything that would in any way degrade the safety levels or the improvement that we seek in safety levels. Rather, their view is that, as an accumulation of years of regulatory oversight, we may have in place rules and regulations which, in fact, are no longer appropriate, for which there is no orderly review mechanism. And I guess you might view it as sort of a cleaning house of those regulations which no longer are pertinent or applicable to safety per se.

I can assure you that in that review we will not in any way soften, lessen, or reduce those rules and regulations which deal with our responsibilities for safety.

Mr. OBERSTAR. Thank you.

One focused question, and that is what emerges from a review of the safety record of the commuter and regional industry, from a review of NTSB-accumulated recommendations over a long period of time and their review of the famous 37-accident report review that was just recently completed and issued, and from other analyses, including those of the Airline Pilots Association, cockpit resource management is the key to safety in the commuter sector.

Generally, less experienced pilots, entry-level pilots, a pilot community that is a training ground for the major carriers, but also pilots who are asked to command aircraft in the most trying, the most difficult of circumstances with more frequent takeoffs and landings than the majors do, more frequent operations, longer hours a month, and yet FAA regulations do not require recurrent training and proficiency checks at the same time, at the six-month period as is required of the Part 121 carriers.

The fixed amount of time that is required for pilot training, the amount of training that is required of the crew in the cockpit as they interact together—I tell you, in my review of accidents over years, time and again we find that there wasn't proper communication between the pilots.

In the famous case of Galaxy Airlines, which, well, it was Mr. Gingrich at the time, prior to Mr. Clinger's assumption of the leadership role on the Republican side of this committee, but we had three crews in that Electra. They were all trying to troubleshoot the problem. No one was flying the aircraft. It crashed, and 69 people died.

This is a recurrent problem, and I want to know what the FAA is doing. You have regulations under consideration. I want to know when they are going to be issued, when you are going to close the gap, and how that is going to be done.

Mr. HINSON. Let me answer part of that question. Then I will ask Mr. Broderick also to chime in, if I may. Let me start with a broad view.

I participated in the exact environment that you have discussed, flying both single pilot and crewed airplanes for a large part of my career. I have acted as a check airman, a training captain. I literally wrote the book for the air carrier I worked for on how to manage and crew aircraft.

I participated on many committees through my career on crew coordination and cockpit management—not called cockpit resource management as we do today, but in my time it was called cockpit management—and crew interaction. Clearly, the human factors aspect of accidents is where we can make the most headway in improving safety.

Historically, pilot error, for whatever reason—and I don't mean a willing error or because somebody wasn't paying attention, but because you can't attribute the accident to anything else other than an action that did or did not occur as a function of the flight crew—has accounted, historically, for somewhere between 70 and 90 percent of different classes of accidents, depending upon which segment of the industry we are talking about.

If that is where the majority of problems lie then that is where we should spend the majority of our resources. And, historically, I must say the Agency has done that, and certainly the air carriers have done that.

United just announced a new simulation program, with its first class graduating yesterday, which Mr. Broderick will talk about. The program is a whole new concept in flight crew training and, by the way, is being adopted by several commuter air carriers as well.

Clearly, the initiative that I announced in my opening statement about requiring 135 commuters with respect to flight training requirements and crew meet 121 standards resource management is an important step in answering your question. I think your question is probably the most important one that this Committee could ask, and it is one that this Administrator understands and intends to deal with.

Let me ask Mr. Broderick to add a postscript, please.

Mr. BRODERICK. Mr. Chairman, we are, at Administrator Hinson's insistence, putting the melding of 121 and 135 crew training at the top of the priority list.

In addition to that action, in that same rulemaking, one of the things that we will be doing is proposing to mandate the use of crew resource management training for the airlines. That would mean that for the first time in a mandatory fashion the Part 121 airlines would be required—required—to use crew resource management training in their training syllabus.

And, of course, because we are also proposing to make 135 training for operators of airplanes with 10 or more seats the same as Part 121 training, we would then have crew resource management training there.

You are familiar, as I am sure many other Members of the Subcommittee are familiar with the very widely acclaimed, I would say, advisory material that we have had out for several years on crew resource management training that has been incorporated into the advanced qualification program that the Administrator mentioned. That material is now being used in various stages of training program development by most of the major airlines and four of the larger regional airlines. Comair, Piedmont, Northeast Express and Atlantic Coast are all incorporating the advanced qualification program into their training, which includes a requirement for crew resource management.

So we have it on a high priority. It will take us another month or two perhaps to complete work on the proposal. It is not a trivial one. It is fairly extensive.

And then we will complete the Executive Branch coordination process with the Secretary's office and OMB and hope to have it out within a few months thereafter, sir.

Mr. OBERSTAR. Along the way, before you get to that point, can we have a review with the committee informally of the progress?

Mr. BRODERICK. We would be delighted to, sir.

I might also mention that we want to review what can be done in advance of getting out this regulation with the entire community. And the Administrator has asked that we plan a sort of a seminar, conference, or meeting sometime in the next few months to look at not only regulatory kinds of things, which I think we have well under way, but what we can we do beyond regulations for improving safety with the existing tools we have.

Mr. OBERSTAR. That is a good approach, and I would like to encourage you on that path and also to take further steps to cut that time. What bothers me is you get through the internal process and then there—and the add-on—and some months afterward—I don't think the public has much patience for that.

Mr. OBERSTAR. Mr. Clinger.

May I ask also that responses be more abbreviated. I realize that was a long and complicated issue, but we have many Members here today, and they would all like to have their questions answered. The degree to which we get to them is a function of how brief the answers may be.

Mr. CLINGER. My questions will be very brief, since I can hardly talk anyway.

Mr. Hinson, as I understand it, about 70 percent of accidents are basically related to human factors. And, obviously, that has caused you to focus in that area in terms of melding the requirements of Part 121 and Part 135.

I alluded in my opening statement to what could be an emerging problem. That is, that as we hope the majors become more profitable and we begin do see an improvement in the fortunes of the Part 121 carriers, that there will be a need for additional pilots. And, obviously, the place that that is going to come from presumably would be from those that are in the system now, and we would revert to the previous practice of using the regionals as sort of training ground for the majors. Do you see that as a problem?

Should you be trying to accelerate this training program to deal with that problem?

Mr. HINSON. There are a number of ways to look at that issue. Our initiative to issue a Notice of Proposed Rulemaking to make flight training on 135 commuters the same as 121—and assuming that goes through as we expect it will——

Mr. CLINGER. Let me interrupt you there. You really propose to make it exactly identical; is that right?

Mr. HINSON. I don't know the specifics, but, essentially, that is correct. In fact, we are very close now. You may have the impression that there is a large difference between 135 and 121 today. That is not correct. They are very close already. This really marries them.

But that, in itself, will go a long way toward making sure that the younger, less experienced flight crew members in the commuters meet the safety standards required. The commuters will always serve as a sort of training ground for the large airlines, I suspect. It is just a function of mobility within the pilot population, the flight crew population.

In addition to that, though, we are working very hard with the industry to increase their use of simulation. And the three things taken together—the initiation of Part 121 training requirements, the expanded use of simulation, and crew resource management training—those three combined will tend to mitigate your concerns.

They will probably never totally mitigate them, but I believe they will provide an improved safety level.

Mr. CLINGER. The Chairman alluded to the fact the Commission talked about the regulatory burden and so forth. Do you envision the sort of things you are proposing are going to impose a heavy financial burden on the commuters?

Mr. HINSON. Well, as you know, we are required to do a cost-benefit analysis, and we will do that in this process. And that is under way in the issue of 121 training requirements.

I issued a letter in the Federal Register about a month ago requesting users in the entire aviation industry to send us their view of those rules and regulations which are burdensome and no longer applicable or could be changed and improved. I am confident when we finish that, our analysis of that, we will be able to deal with, as I said earlier, those rules and regulations that really don't have any direct impact any longer. And, in fact, there will be suggestions, I am sure, that will actually improve the regulatory perspective relative to safety.

Mr. CLINGER. Are there any requirements contained in the Part 121 provisions that are clearly inapplicable to 135 operators?

Mr. HINSON. Let me ask Mr. Broderick to answer that question.

Mr. BRODERICK. I can think of a couple. One of them in particular is there is a fairly extensive requirement for medical kits in a 121 airplane because of the long flights and the large amount of room you have on the airplane and, of course, the large population. That doesn't seem applicable for the smallest of 135 airplanes. It may, in fact, be applicable in the mid-range, the 20-to-30 seat airplanes. We would have to look at that.

Another one that is a strictly technical point is wind shear equipment. It is not at all clear that wind shear is a requirement for a small airplane because of the different aerodynamic and flight performance characteristics that they have compared to the 121 airplanes. So that there are a few that are different.

Let me give you one on the other side. Protective breathing equipment is one which we have a relatively inferior standard I think in the Part 135 aircraft, and we will be looking hard at upgrading that in the Part 135 aircraft to make it like Part 121.

Mr. CLINGER. Just one final question, Mr. Hinson.

You indicated in your statement that FAA has required the implementation of new deicing requirements as well as the carriage of Ground Proximity Warning Systems. Again, are those deicing requirements now the same as or equivalent to the 121 requirements?

Mr. HINSON. No, sir, they are not. Both 121 and 135 new icing rules are in what I would call an observable envelope. We have reserved the right after watching their operation in both 121 and 135 to amend or change those regulations if we find they are in any way not doing what we expect them to do. So that is an ongoing, very close oversight issue.

However, in 135 there are now essentially two options. They can either adopt the 121 deicing rule standards, which, of course, would solve the issue, or they can set up a complete new training and oversight program to make sure that they have adequate awareness of the hazards of trying to operate an aircraft in ice. And if you would like more details on that issue, Mr. Broderick can provide those.

Mr. CLINGER. Thank are very much, Mr. Chairman.

Mr. OBERSTAR. The Chair is very pleased to welcome to the hearing the Chairman of the full committee and former Chairman of the subcommittee, Mr. Mineta.

The CHAIR. Thank you, Mr. Chairman; and welcome, Mr. Hinson, for your first appearance, I believe, before the Subcommittee on Aviation within our Committee on Public Works and Transportation. I want to commend you for the work you are doing, and especially the time when we were in Los Angeles together at the time of the Northridge earthquake, and the quick response that FAA had to that tragedy.

You talk about the training requirements of the pilots as they relate to 121 and 135 carriers. You say they are getting very close. But to what extent are they—I am sorry if this question had been asked earlier, or you had answered this. To what extent are they really getting close, and to what extent are getting close?

They really can't be similar in terms of 121 and 135—the question of the recurrent versus the proficiency checks, the issue of working hours—because the nature of what is happening, I think, in the airline industry, is that there is going to be more and more reliance on the smaller aircraft; and as we go more towards—whether it is the Emery Air or the 1900 or whatever the aircraft might be, it seems that there is a shift right now that is going on within the airline industry.

I think you probably saw that from your own experience as the CEO of an airline.

So in terms of your responsibility, where do you see this 125—or 121/135 juxtaposition occurring?

Mr. HINSON. Well, first, Mr. Chairman, thank you for your kind remarks. I appreciate your comments.

Let me give you sort of a broad overview of my perspective, and then ask Mr. Broderick to give maybe a specific comment or two.

First, many of the 135 carriers operating today use 121 standards already. I think there may be an impression that the commuters are all actually operating today under Part 135 with respect to flight training. That is not true. Many of the carriers have already adopted the 121 criteria for their flight training programs. Those that have not are those that operate aircraft under Part 135 and have been subject to part of the 40 additional regulations the FAA has issued since the last rewrite of 135 in 1978 with the advent of deregulation.

Mr. Chairman, in my opening statement—before you got here, I believe I announced that I have asked the Agency to introduce another proposed rulemaking requiring 121 flight training standards for all 135 flight operators. That process is under way now, and that NPRM will hopefully be issued in the spring sometime and follow the normal legislative and administrative processes.

So with that as background, let me ask Mr. Broderick to perhaps be more specific.

Mr. BRODERICK. Well, I think the Administrator hit the highlight, which is simulator training. We have for some time now had an exemption that permits regional and 135 airlines to use Part

121 training. Paradoxically, you needed an exemption from the regulations to do that because of the regulatory nuances, and there are a number of carriers that are doing that already.

There are about 30 simulators for this kind of airplane that have been approved by the FAA in the past five years, or a little bit longer in some cases. We have been encouraging people on a voluntary basis through use of the RAA exemption and through the use of simulation to merge these two training programs.

Now, what we are talking about is a regulatory proposal to mandate that they have identical training programs for the commuters that operate the larger-size aircraft.

The CHAIR. Now, does that include the proficiency check, as well as the recurrent training, so that it—will they be again on an every-six-month basis together, or as the 121 carriers are subjected to?

Mr. BRODERICK. Specifically, they would be required under our concept to follow Subparts N and O—that is, November and Oscar—of the Part 121 regulations. So it would be literally the same training as Part 121 carriers require now.

Now, of course, if they go to something like the very sophisticated advanced qualification program, that is yet another level higher, which is presently voluntary, and of course, it would include, as we discussed, crew resource management.

The CHAIR. Let me also just touch on this issue of dispatchers. In the case of 121 carriers, there is a requirement in terms of dispatchers; and in the case of 135, where you have again people flying in the weather and different kinds of circumstances, why do we not require dispatchers in that instance?

Mr. BRODERICK. I think the answer is that it is an historical evolution of two completely different kinds of air transportation, which today have developed to a much closer state. If you look back to when we originally designed Part 135 in the 1960s, and even the late 1970s where they were last updated, we typically had fairly short flights not going very far away from the airport of origin.

Contrast that to many hours of flying hundreds, thousands of miles away from the airport of origin, which that has been commonplace for many decades in Part 121, and there is a different set of requirements. Today, I think one can fairly question that difference and question whether or not it should continue to exist.

In his opening statement, as one of the things he has charged me to do, the Administrator has asked that we look at all of these differences, and that is one of the three or four that the Chairman mentioned.

The CHAIR. Is there a time line on that, that dispatch requirement?

Mr. BRODERICK. Well, we haven't made a decision yet, so we don't have a time line for doing that, but certainly it will be done this year as a high priority.

The CHAIR. Does that also include a communications system?

Mr. BRODERICK. A dispatch system would include a communications system that dispatches the whole thing, or some modification of it, if that were appropriate. But our consideration will include consideration of the full communications system.

The CHAIR. One last question, if I might, Mr. Chairman.

To what extent are there—and it has nothing to do with the 135, but to what extent are there some outstanding requirements from recommendations that you have received from NTSB that are outstanding in terms of any sponsor resolution of any recommendations from the NTSB? And I speak, I guess, mostly because of my concern about that issue involving the vortex on the 757. That is an issue that had been reported through the ASR.

It was something that was a recommendation of the NTSB; it was something that people had been talking about, and until we had a couple of fatalities or accidents involving fatalities that, there wasn't a response. Maybe that is an unfair characterization. But on the surface, it looked like that, and I am just concerned that we have other outstanding NTSB recommendations that haven't been dealt with.

And I just wanted to get that—so you might be able to respond for the record, rather than take the time here.

Mr. HINSON. Yes, sir. Fine.

The CHAIR. I appreciate your appearance here and, again, your work at the FAA.

Thank you, Mr. Chairman.

[The information received follows:]

NTSB has issued 3,001 safety recommendations to FAA since 1967, of which 84 percent have been classified as "closed acceptable" by the Board.

There are currently 398 safety recommendations classified in an "open" status. Of those open recommendations, 100 are completed actions awaiting closure by NTSB, 34 are newly issued, and currently in the 90-day cycle, and 79 are the subject of some type of FAA regulatory action. For the remaining 185 open safety recommendations, FAA has ongoing actions in place to address those issues.

Mr. OBERSTAR. Mr. Boehlert?

Mr. BOEHLERT. Mr. Hinson, welcome. Is there any other country that has a dual system as we do like the Part 135 and the Part 121, or do the other countries have just one system that applies in like manner to all carriers?

Mr. HINSON. The answer is, I don't know. Let me ask Mr. Broderick if he knows.

Mr. BRODERICK. I can assure you that there are many different variations. I don't know of another country that has precisely what we do, but there are many different regulatory schemes around the world. Some of them deal purely with commercial flying; most of them, of course, don't have the complexity and completeness of regulations that we do.

Mr. HINSON. But we will get you an answer.

Mr. BOEHLERT. Okay, fine.

Mr. BOEHLERT. Secondly, in our staff memo, it was brought to our attention that the new deicing requirements were issued in September of 1992, and they applied only to 121 carriers. Now, I know now you are having those same requirements applied to the 135 carriers. But my immediate question is, why didn't it apply in like manner to all at that time, particularly for deicing? I mean, I understand there are some other variations, but deicing——

Mr. HINSON. Yes, sir. They are still not identical, sir. And I will ask Tony to explain the differences more carefully and also to explain why we implemented 121 and a year later implemented 135.

Mr. BOEHLERT. Okay, fine.

Tony?

Mr. BRODERICK. When you look at the two rules, fundamentally we didn't change the basics; that is, that you may not take off with snow, frost or ice or any foreign substance adhering to the wings, control surfaces of the airplane.

What we did was look at the record. We clearly had a problem with some Part 121 aircraft with regard to wing ice-related takeoff crashes. We did not have the same kind of problem with 135, and we had a much different environment—one that includes everything from a small two-seater in 135 all the way up to a 30-seater, again with a much different safety record than 121.

So we addressed the biggest problem first, and within a six-month period went through a notice, final rule and enactment and provision of training materials. We then said, and followed through, effective last month, that we would do the same thing for Part 135. We have done that with a different set of regulations, although the regulations provide additional tools to the pilots to enable them to make the kinds of judgments that they have made very well in the past.

So it was really setting priorities, sir.

Mr. BOEHLERT. One of the things that concerns me is the contention on the part of a large segment of the pilot community that pilot fatigue is a major factor in terms of the smaller carriers. And as I look at the limitations, I see essentially it is the same limitation, the eight hours of single stretch for both the large carrier and small carrier.

To this common guy who has never been in a cockpit other than as a visitor to look at it, you take eight hours on a trans–Pacific flight and you could fall asleep in a cockpit. You take eight hours on a commuter flight where you are up and down, a lot of stress, a lot of pressure, I would think that that is something that should be looked at.

Isn't there a big difference between the two?

Mr. HINSON. Let me make two comments in that area. I am aware, since becoming Administrator, that this has been an ongoing issue of discussion. The FAA and the industry have a committee called the ARAC committee, which is a committee comprised of FAA and industry people who work together to try to find the optimum solution where regulatory initiatives are indicated, in order to either improve a safety circumstance or in other ways improve the aviation environment.

That committee has been meeting since this Committee met or almost two years ago, and having reread the testimony of this Committee at that time, I asked Mr. Broderick to review for me the progress of the flight-time-limitations ARAC committee. They have met several times, and at this point, have been unable to agree as to an optimum solution.

So I have set a deadline of June, and I have asked Mr. Broderick to tell this committee that if they do not come forth by June with a recommendation that is acceptable to the Agency, we will then take the matter and deal with it as we deem appropriate, independent of the committee. That is the only way I know, in fairness, to move it relatively quickly, subsequent to my becoming Administrator.

Mr. BOEHLERT. But you are looking at it and you have imposed a deadline?

Mr. HINSON. Yes, sir.

Mr. BOEHLERT. To me, I apply common-sense rules to so many things that I try to do up here; and I know, driving on an interstate highway, putting it on cruise control is a piece of cake, but commuting to Washington to work every day is just real pressure. So I think pilot fatigue is a legitimate concern, particularly of the commuters.

Another thing is, I read the news account—and this is going to be the last one, as I see my red light is on. As I read the news account of that tragic accident up in Minnesota, it was reported that the pilot had three times failed a proficiency test within a five-year period. Is that a fact?

And first of all, when a pilot fails a proficiency test, I would assume that pilot cannot go back into the cockpit until he or she passes a proficiency test. But three times within a short span or relatively short span of five years, you know, I hearken back to what the President said in his State of the Union message in dealing with crime—three times and you are out.

I sort of wonder, isn't there some sort of signal there for a person that fails a proficiency test three times in a relatively short period of time; maybe that person should not be allowed back into the cockpit under any circumstances?

Mr. HINSON. Well, let me separate two issues here if I may, sir.

First, with respect to the accident that you alluded to, that is under investigation by the National Transportation Safety Board, and fundamentally, I know the same as you, basically what has been reported in the press, although we have been given some views from the NTSB. And they will testify later, and certainly, I am sure that Chairman Vogt will comment as he sees fit.

Setting that aside for a moment, the question then is whether or not a pilot or a crew member who fails a proficiency check—whether it is as a captain or a first officer or a flight engineer, or perhaps any other crew member station—should be allowed to continue to fly if he or she fails three or two or four times, whatever the number may be.

It is a very complicated issue that does not lend itself to a very quick answer, and I will give you a very brief answer, but then tell you that I will make our staff available to you. We will come to your office and give you a thorough briefing.

It is a very broad, complicated process as you can easily understand, but it is just time-consuming.

Mr. BOEHLERT. I can appreciate that.

Mr. HINSON. In quick summary, our standards for passing proficiency checks are set very high. The pilots that fly in the air carrier environment in the United States are highly skilled, well-trained, highly motivated people. They have demonstrated this year after year, hour after hour, day after day and aircraft type after aircraft type.

The airline pilot community in the United States is without doubt the finest anyplace. They are absolutely experts. Because we set our standards high, we have people on occasion, fail, proficiency checks. If we weren't having any failures, you could logically argue the standards weren't high enough. So we do have pilots that fail.

For the most part, we have a concept now that has been in place for some time called "training to proficiency," and we work very hard at that. In a case where a pilot fails a proficiency check, he would be retrained to a standard whereby he could pass or does pass. If he is not able to pass, he is not put back into a flying position.

Of course, there are all kinds of circumstances—a low-time pilot, a high-time pilot, his or her experience level, and location—just enormous numbers of variables that go into this area.

I am very comfortable, however, in telling you that everybody flying out there has met the minimum standards. And if, in fact, there is a relationship with this unfortunate accident, we will learn something from that. That, of course, has not been determined.

Mr. BOEHLERT. Thank you very much. I just want you to know that I hold the pilot community in equally high regard. I entrust my life and the life of my family to them every single week. So I have a very high regard for them. It is just this one thing that hit me like a ton of bricks as I read the story, three times failed within a brief period of time.

I would be glad to pursue it with you.

Mr. HINSON. We will arrange a thorough briefing, yes, sir.

Mr. BOEHLERT. All right. Thank you.

Thank you, Mr. Chairman.

Mr. OBERSTAR. I would like to advise the gentleman that in a few days the NTSB will issue a complete document on the captain and first officer and the Express Air II crash that will go into much more detail than the gentleman has received from the news reports, or that I had seen from the news reports.

I have seen this document. I will not comment on it; it is embargoed pending further NTSB review. But a complete report which will underscore the need for action on cockpit resource management regulations and issuance of those regulations in a very much shorter time frame than the FAA is anticipating is in order.

Mr. BOEHLERT. Thank you, Mr. Chairman.

Mr. OBERSTAR. Mr. Geren?

Mr. GEREN. I have no questions, Mr. Chairman.

Mr. OBERSTAR. Mr. DeFazio.

Mr. DEFAZIO. Thank you, Mr. Chairman.

Good to see you again, Mr. Administrator, Mr. Broderick. If you have reviewed the last hearing, then you might have noted that I got a bit exercised in my discussions with the representative of the Regional Airline Association, particularly on the issue of fatigue; and although my colleague on the other side touched on it, I would like to go back to that issue a little bit.

It is true, as you know, we have the same requirement in terms of the eight hours; but as he pointed out, the conditions are often more rigorous in terms of approaches, traffic, altitude, weather, all sorts of things. And I certainly know that Mr. Hinson, with his experience, recognizes that.

But beyond that, there is the issue of scheduling, and that is, we had significant testimony during that hearing of pilots that were being required to fly and work consecutive 16- or 17-hour days;

that is, they weren't flying for 16 or 17 hours, so they met the eight-hour rule, but in fact, from the time they got up and left their motel room until they got back, it was sometimes as long as 20 hours. And then they were required to get up the next day and do the same thing under the same very rigorous conditions.

And the representative of the ATA, or excuse me, the Regional Airline Association tried to tell me that, well, fatigue has never been reported as a factor, Mr. Congressman. And I said, well, that is true, because the ones that would have told the truth are dead, and the other ones who were flying, too tired to fly, don't want to lose their certificate if they survive the accident. And they can't say, well, yes, I was at fault, I was exhausted.

I applaud the Administrator that you are finally applying a little prod to these folks; but you know, it has been two years, and you know, June—yes, I mean, I guess—but I know I have got to give you a little time on the job, but the fact is, this is just a glaring omission that we are not saying that these young men and women can't work 16-, 17-hour days four or five days in a row and be doing what they need to do to safeguard their passengers. They just can't do it.

And you know, I don't know if I am—I can't exactly frame a question here. I mean, you have already responded in saying you are prodding this ARAC committee that has met a few times, but you know, I would do more than prod them.

I mean, you know, I would put a large weight over them. Because here is my bottom-line concern with all of these things: It is the lowest common denominator factor, and it is something that bothers me a great deal.

We have got some great operators out there that are hiring more experienced crews, doing more to train their crews, doing cockpit coordination, doing better maintenance and trying to have human schedules for these people; and then we have got the fly-by-night folks who are out there dragging everybody else down. How am I going to say, well, gee, I am going to have really good scheduling for my crews and do all of these other things and compete with some stumble-bums over here who are—yes, they are meeting the eight hours of flying, but they are exhausting their crews; and, yes, they are meeting the minimums for crew training, but they aren't getting good cockpit coordination and they are putting people in there with the bare minimums.

Are you concerned about that, and can you address that? Because I would like to regulate the industry. If we set a higher standard, the people who are already above it are doing good, or just fine, and the ones that are below are going to have to come up and compete fairly.

I don't think this is an economic factor, because these planes don't fly overseas, they all operate essentially within the United States or land one way or another in the U.S.; they have to meet our guidelines. There is no competitive advantage, as I see it, for higher standards; or if they have to hire more pilots because of more reasonable scheduling requirements, then everybody is going to have to hire more pilots—or at least the ones who aren't doing well now.

I mean, isn't that true that if we establish a higher baseline, everybody is going to be above it, and we aren't creating an economic disadvantage?

Mr. HINSON. You asked me a lot of questions.

Mr. DEFAZIO. I get hot about this issue, and I don't fly on 135 anymore.

Mr. HINSON. Well, I certainly appreciate, and in fact I did read your testimony from two years ago. We are mindful, and I am certainly mindful of the issues that you raised two years ago and that you raise again this morning.

As I indicated, we are going to deal with this issue.

I think in fairness to everybody involved in discussing the pros and cons and the very complex issues that are involved here, one of the problems that the committee has had is evident in the fact that they have been discussing and meeting on this for some time now, and obviously are having some difficulty coming to a common agreement.

Let me just restate in the interests of time that we are going to pursue it aggressively soon.

Mr. DEFAZIO. Okay. If I could, Mr. Chairman—I see the red light is on, but could I ask one other question here?

Do you find, Mr. Administrator, that there is a problem in sort of your dual charge; and that is you are both to promote the industry and to regulate safety. Wouldn't we be better served if we could somehow sever those two functions?

I hate to ask someone who is in charge of an agency if they would like to give up some jurisdiction. I could see that we might move promotion over to the Department of Commerce and keep regulation of the safety in the FAA or something along those lines. Have you thought about that at all?

Mr. HINSON. As a matter of fact, not only have I thought about it, I have been in the system for a long time—over 40 years, I guess, if you count my naval service.

As I recall, historically, Congressman, one of the reasons the FAA was created in the first place was to drive all of the aviation issues into one area where they could be sort of adjudicated and heads knocked as necessary to efficiently put into place an agency which could oversee the entire civil effort within the United States.

I think often there is, perhaps, one slight misconception about what it means to promote aviation. We are not a marketing organization. We are not out particularly selling, although we support, to the degree that we can, the United States aerospace industry. We do not market; we are a provider of services and regulations.

I interpret the congressional mandate that establishes the promotion of aviation to mean an efficient facilitation of the environment, the regulatory environment, and the infrastructure within which our civil aviation community functions; and that has many aspects and has various areas where different disciplines and sciences are brought to bear.

I honestly see no real contradiction in that at all; and in fact, if you and I could have a debate on this sometime, I could present a number of arguments that hopefully will be convincing.

Mr. DeFazio. Well, we may get to do that when we talk about some of your greater concepts regarding the future shape of the Agency. We will leave that for another day.

Thank you, Mr. Chairman.

Mr. Oberstar. Mr. Ewing?

Mr. Ewing. Thank you, Mr. Chairman. I would like to go off on another track just a little bit. My question in regard to safety deals with not so much the personnel, but with the facilities where these planes are taking off and landing, and the two accidents that have happened, the one in Hibbing and the one in Columbus.

I wondered—I am not familiar with these airports, but ILS facilities, were those available there? What do we think that the ground facilities or the ground-to-airplane facilities have to do with the safety issue here?

Mr. Hinson. Well, with respect to the accidents in Columbus and Hibbing, both of those airports are equipped with instrument landing systems. One airplane was on a front-course ILS approach, as I understand it, and one was on a back-course ILS approach. There is nothing that I know that indicates that the presence or lack of an instrument approach procedure or facility was involved. However, that remains to be seen with the NTSB investigation.

Certainly, having these systems, such as precision landing capability, lighting systems and so forth, is preferable. However, the economic facts of life are that there are many airports served by nonprecision approaches, VOR approaches and DV approaches and others, and radar approaches in some cases, where it is necessary to have some commercial service, but it is not at a level which would justify the investment. And given the weather minimum for nonprecision approaches, they are as safe as precision approaches in very low weather minimums.

This might be an opportunity for me to comment on GPS, the global positioning system, satellite navigation system that you are reading so much about. We believe, and we are in the process of proving technically, that GPS will be able to provide precision approaches to essentially any airport, any runway direction within the United States—or anyplace else, for that matter—for a relatively small investment in a differential GPS transmitter. So I think the future is quite bright for being able to provide at very minimal cost high-quality precision approaches to any airport that you would choose.

Mr. Ewing. Well, that is certainly good news. What I guess I would follow up with then is that the ILS is important, but do you have rules and regulations as to which airports have to have, depending on their traffic, or other requirements for ground——

Mr. Hinson. Yes, sir, we do. The Agency has a very specific and detailed set of economic and operational criteria that are applied to the installation of any instrument approach system at any airport; and it is a combination of all of the circumstances you would expect: traffic, economics, location, and so forth.

Mr. Ewing. Is there any comparison or any study done on where these accidents have occurred and what the airport facilities were—I mean, in an attempt to correlate?

Mr. Hinson. Well, I can't say that off the top of my head. I am tempted to say, of course, there is, with all of the research we have done and actual investigation. Let me ask Mr. Broderick if he could comment on that.

Mr. BRODERICK. I can't think of a specific one that addressed the question you are asking, in general; but specifically, of course, we look at accidents, incidents and reports like ASRS as input to the decision-making process as to whether an ILS or other navigational aid is needed.

I can't off the top of my head think of a generalized study that has been done to try to correlate those.

Mr. HINSON. There is one study under way which was requested of me at my confirmation by Senator Stevens of Alaska, which relates to three accidents that occurred in his State; and he is asking us to focus on the instrument approach procedures, and we are doing that.

Mr. EWING. I would be interested in that study also.

One other question. What is the status of the efforts to install the traffic alert and collision avoidance system on commuter aircraft?

Mr. HINSON. Let me ask Mr. Broderick to bring you up to date on that.

Mr. BRODERICK. We have a regulation—as you know, sir, the subcommittee legislation that was passed did not directly address commuter aircraft. It stopped at aircraft of 30 seats or more. The FAA, however, recognized the benefit of perhaps a less complex TCAS unit, as it is called, and we proposed and enacted a regulation which requires that commuters with 10 to 30 seats install TCAS–1 by 1995.

We did that many years ago, and the program incorporating TCAS–2 for the larger aircraft into the national airspace system was a lot more complicated than we thought. So we are right now considering extending the deadline of TCAS–1 so that we can ensure that we don't cause disruption in the air traffic control system by introducing this second system so quickly.

But there is a rule that requires it, and within the next year or two, depending on what we decide on the completion date, TCAS–1 will be required for all commuters down to 10 seats.

There are a few instruments in airplanes right now under test.

Mr. EWING. All right. Thank you both very much.

Thank you, Mr. Chairman.

Mr. OBERSTAR. Mr. Kim?

Mr. KIM. Thank you, Mr. Chairman.

I do have three questions for you. The first question has to do with accident that occurred at Orange County Airport last December. As you know, a light-weight aircraft crashed on final approach behind a 757 landing at Orange County Airport, killing five people. In the wake of that tragedy, I understand you wrote a letter to the pilots, urging them to follow existing safety procedures.

I appreciate the letter. However, I understand that other countries, such as England and Canada, have redesignated the 757 as a heavier transport aircraft, and thus, increased its level of separation to six miles. I am not necessarily advocating what they are doing, as this might create some financial hardship for certain airports by decreasing landing and takeoff frequency.

But I was wondering whether the existing separation is adequate, or should we look into the possibility, of increasing the separation. If we do, what will happen? What kind of impact on individual airports. That is my first question.

Mr. HINSON. The issue of vortex generation and subsequent aircraft upset is, in the long history of aviation, a fairly new science for us. We have done a lot of research; the manufacturers have done a lot of research. In the instant case that you are citing in Orange County, the NTSB is still investigating that accident, and it has not been determined—that I am aware, anyway—that vortex generation was the proximate cause, although there are strong indications that it may have been.

It seemed to us that it was prudent to refresh the pilot community with respect to the potential hazards of vortex generation, and especially to remind them of the procedures that have been in the Airman's Information Manual for a long time, and which we believe and hope that most pilots read diligently and understand.

And we are continuing the research of the 757 vortex to understand it better. There are, as you point out, numerous considerations with respect to the 757 specifically. I have asked internally that a review be made of the separation standards, both VFR and IFR.

Incidentally, under visual flight rules or VFR, a pilot following any heavier aircraft or any larger aircraft, turbine aircraft is advised to stay above and to the side, if possible, of the flight path of that aircraft. And to our knowledge, when that is done, there is no danger. It is only when you are below and fly into the resulting vortex that a problem may be created.

Let me ask Mr. Broderick to embellish my comments just a little bit. He has done quite a bit of research in this area.

Mr. BRODERICK. We do have the study of spacing under way and, in particular, as the Administrator explained, we expect within the next few weeks to be able to complete that and make some recommendations to him specifically on the instrument flight rule separation, which relates to your question about other countries.

But it is important to recognize that that accident did not occur under instrument flight rule separation, so we are looking also at the question of visual work. We have a cooperative program with NASA that is under way; that is a multimillion dollar program to stretch over the next five or six years at several million dollars a year of FAA and NASA funds, to try and understand the basic physics of weight generation and how long they persist and how they are transported in the atmosphere.

Mr. KIM. Thank you.

My next question is, listening to your statement this morning—which is very informative; I appreciate that—I am a little confused because Part 135 applies to aircraft above 10 seats, and the Part 121 standard applies to less than 10 seats.

You also state that according to FAA rules, that there is a distinction between aircraft with 20 seats or more. If it is more than 30 seats, then flight attendants are needed; less than 30 seats, then they are not needed.

Also, you state that, the definition of light-weight commuter aircraft is less than 60 seats. That is a lot of definition—10 seats, 20 seats, 30 seats and 60 seats. Why do we have such a complicated system?

Mr. HINSON. I can certainly understand how we might have confused you. I will ask Mr. Broderick to define it for you.

Mr. BRODERICK. Well, I wish it were more straightforward, but these things have evolved literally since the early part of this century, and the economic regulators have picked, for example, 60 seats as a cutoff point. We have cutoff points for airplane design standards at six seats, at 10 seats, at 20 seats, and at 30 seats, depending on the application.

What we have seen, sir, over the past, I would say, 10 or 15 years, is that the part of the industry between 10 and 30 seats has grown very rapidly, much more rapidly in fact than that part of the industry above the 30-seat category. So we are looking at making these standards much closer, perhaps identical, at least in all substantive ways.

These are just decisions that were made over the past, literally, 50 years by different people in different agencies for different reasons, and they exist historically. Even if you start today, of course, the aircraft that were built yesterday were built under the old rules, and it is difficult to change them.

Mr. KIM. Isn't it about time we consolidate all of these definitions into one, or maybe perhaps two definitions?

Mr. BRODERICK. Well, for the future, that is what in fact we are looking at for the operating rules in Part 135 and 121, and talking about consolidating them so that these differences don't make a substantive change. But of course for certification rules, which are rules to which the airplane was built—if the airplane is built, it was built to those rules; and you can never eliminate the differences of the past manufacture. But we may in fact do that in the future.

Mr. KIM. Mr. Chairman, I have one last question. It is my understanding that under your noise mitigation program, you provide funds to schools for soundproofing, if that school is located within the 65 CNEL noise contour area surrounding an airport.

In my district, I do have one elementary school is located well within the 65 decibel zone of an airport. I understand that the application has been declined, rejected. Can you tell me why that application was rejected?

Mr. HINSON. No, sir, I can't, but I will get you an answer.

Mr. KIM. All right. Thank you. Thank you, Mr. Chairman.

Mr. OBERSTAR. The gentleman's time has expired.

[The information follows:]

Since the hearing, FAA officials have been in contact with both Congressman Kim's office and the Los Angeles Airport Authority concerning funding issues associated with noise concerns at the Bon View Elementary School.

Mr. OBERSTAR. Mr. Horn?

Mr. HORN. Thank you, Mr. Chairman. Let me pursue the Traffic Alert Collision Avoidance System. I think, like many on this committee and, I think, the average citizen, one life lost is one too many in airline transportation. As I understand it, the TCAS and TCAS–2 that applies to Part 121 aircraft does two things that differ from TCAS–1.

One is similar, one is different; both give a warning. But when it comes to TCAS–2, we are talking about the aural, a-u-r-a-l, directive to climb or descend, which is not given to the smaller commuter airlines. As I understand it, TCAS–2 was to be fully implemented by December 31st, 1993; and as you mentioned, Part 135 commuter aircraft, which has only the warning, not the up-or-down signal to the pilot, is at this point to be implemented February 9th, 1995, and that would apply to aircraft with over nine seats.

Now, my first concern—and I understand there is a technical reason why it is difficult to apply this to smaller planes, with the antenna spacing, but my first concern is, is it not possible and when might it be possible technologically to have the advantages of the TCAS–2 system fully applied across not only the commuter airlines, but every airplane in this country that flies? I would like to hear about the technical problem, the cost problem, the full national implementation of that system.

Mr. HINSON. May I defer to Mr. Broderick for that?

Mr. BRODERICK. That is a tall order, sir. Let me just very briefly say that the TCAS technology is something that is made possible by the invention of the development of the microprocessor chip, and I would not underestimate the speed with which those computers are going to develop and be made available. That is what held back the development of collision avoidance technology for literally about 50 years.

When the computer became available in the early and mid–1980s we were able to design and build the complex software and put it on a computer that was affordable. But even at that affordability, and then with the kind of antenna problems you talk about, you are still talking about, in fairly large quantities of installation, a cost of well over $100,000 per aircraft for one collision avoidance system of the TCAS–2 nature.

TCAS–1 is substantially less than that, depending on the one that you get—in the tens of thousands to perhaps as high as $50,000 or more, again, depending on the sophistication of the device.

The technology that many of us look forward to as the sort of second or maybe third generation of collision avoidance you could call it, is GPS. GPS gives you an instantaneous position and velocity determination for any receiver that is receiving it. With the technology of our transponders being advanced to what we call Mode S transponder systems, in the United States and around the world, for that matter, and with the equipage of the general aviation business and, of course, commercial airliners with this equipment, we foresee a widespread use of a cooperative kind of collision avoidance system that would make use of the position reporting that is made possible by GPS.

This wouldn't be something that, for example, a Piper Cub would be expected to have, because you wouldn't expect them to have the complex avionics on board. But on the other hand, you wouldn't expect a Piper Cub to be flying into a commercial airport of any traffic density.

So I would look to the technology being developed in concert with the computers in terms of GPS in the coming decade. And as soon as we can get not only the transition program for TCAS–1 straightened out and under way, but the questions that air traffic controllers and pilots need to have answered about the integration of that system into place, we will have TCAS–1 as the first generation for commuters in place in the next couple of years.

Mr. HORN. I sort of sensed from your answer to Mr. Ewing that there might be a delay in the February 9th, 1995, implementation. Is that correct?

Mr. BRODERICK. Yes. We anticipate proposing that delay just for the technical reasons that we haven't yet had enough TCAS–1 systems in our, what we call limited installation program, working in the air traffic control system in the real world. Five years ago we didn't think that was as important as we recognize it is today.

You will remember that there was quite a bit of concern raised when TCAS–2 was brought into the system, and a number of maneuvers and communications were taken by pilots that air traffic controllers weren't expecting. We want to make sure that same thing does not happen with TCAS–1. So we want to learn from the installation of TCAS–2 and do it better and right with TCAS–1, and that will cause some delay, I anticipate.

Mr. HORN. Are we talking about a two-year delay now?

Mr. BRODERICK. That is probably what we propose. Depending on comments, we might make it shorter.

Mr. HORN. Does your estimate as to when we might have sufficient avionics technology increase—costs may decline, as has been the history of computers generally; are we talking about the possibility of applying that to general aviation by the turn of the century, or will it proceed faster than that?

Mr. BRODERICK. Well, I doubt that it would be substantially more than that, but I certainly think that with the kind of innovation I have seen in terms of manufacturers jumping on the GPS bandwagon that you could realistically look at affordable, cooperative collision avoidance systems for general aviation around that time period, or maybe shortly thereafter, sir.

Mr. HORN. I would hope so. My last part of this question is, how many accidents could have been avoided if these systems had been implemented three years ago? Let's take system 2, which applies to the major airlines.

Mr. BRODERICK. I am delighted to say, literally none that I know of in commuters or in, of course, airline service. The last midair collision involving a commercial airliner was a commuter back, I believe, in 1990.

Mr. HORN. Is that the Mexican airline, the one outside of L.A.?

Mr. BRODERICK. No. That was in 1985 or 1986.

Mr. HORN. Right. Living near there, it seems like yesterday.

Mr. BRODERICK. It does. Let me tell you though that around the world, TCAS–2 installed in American and foreign aircraft is literally on a weekly basis providing guidance to pilots that, we are told, saves midair collisions.

We had an instance that was reported in the news that occurred in mid-December in another country in which two 747s came within 400 feet of each other. Both were carrying passengers, and the one pilot that reported to us what he did reported very clearly how he first heard an aircraft, the control communication looked down at TCAS, identified the other aircraft on the TCAS, and then got a visual identification of that aircraft, then was told to descend with the resolution advisory of TCAS; and as he got that command, the other one passed 400 feet overhead.

So TCAS is serving its purpose, not only in this country, but around the world.

Mr. HORN. I guess I have a curiosity, why it wasn't picked up before the 400-feet closure point came.

Mr. BRODERICK. Well, as a matter of fact, it was. As I say, the pilot was carefully watching the other airplane, watching TCAS, which of course tells the relative elevation, so he was climbing above him.

Mr. HORN. But there was no figure. I mean, presumably this system gives the warning to go up or go down.

Mr. BRODERICK. Yes, it did. And it gave the right warning to descend.

Mr. HORN. At what time period did it give it?

Mr. BRODERICK. At that point, probably it was a head-on encounter, as I understand, at cruise altitude, so you are talking about roughly a 1,000-mile-an-hour closure rate; and I believe the envelope is 20 seconds at that time.

Mr. HORN. And the earliest warning you can get is 20 seconds?

Mr. BRODERICK. No. That is the command. The earliest warning is, it depends on the situation, but 40 to 80 seconds earlier.

Mr. HORN. That is what worries me. I am just not sure when that first warning should have been given.

Mr. BRODERICK. It was given in plenty of time before he could visually acquire the airplane and then he did visually acquire it because of the TCAS.

Mr. HORN. Well, that is good news.

Thank you, Mr. Chairman.

Mr. OBERSTAR. I have a few questions I would like to move through quickly; that is, with relatively brief answers.

Do all regional commuter carriers have safety offices? If not, which ones—give us a list of those.

Mr. HINSON. Yes, sir, I will.

Mr. OBERSTAR. So, not all regional commuter carriers have safety offices?

Mr. HINSON. The answer is no, they do not.

Mr. OBERSTAR. They do not.

[The information follows:]

Commuter carriers are not required to have separate safety offices, and FAA does not compile information on where the safety function is handled within the corporate structure of any given carrier. Upon inquiry, the Regional Airline Association (RAA) indicates that it also does not compile information on this subject.

Mr. OBERSTAR. Is it appropriate for a carrier to ask its insurance company to conduct a safety audit, and what is the effect of a safety audit conducted by an insurance company, and what cognizance does the FAA take of such a safety audit?

Mr. HINSON. I am not aware of any. My experience is that was a part of when an insurance company evaluates an air carrier to provide insurance in whatever area it may be, they usually want to know a lot about the business; and it is from that perspective, I assume, that they would be interested.

I am not aware, Mr. Chairman, of any air carrier using that audit in any way to manage their business, however.

Mr. OBERSTAR. Express II did. Ultimately, Galaxy Airlines was shut down by its insurance company before the FAA shut it down. I would like you to take a careful look at that and report back to me promptly.

Mr. HINSON. Yes, sir.

[The information received follows:]

Airlines do not ask insurers to conduct safety audits. An audit by an insuracne company is applied to insurance-related decisions and could take many forms. The FAA is not privileged to this information, and therefore does not review or use this information.

Mr. OBERSTAR. What is the current rule on ground proximity warning systems as applied to aircraft of less than 35 passengers?

Mr. BRODERICK. I believe it is, any turbojet airplane that is used in Part 135 service that has 10 seats or more must have GPWS.

Mr. OBERSTAR. And which category of GPWS?

Mr. BRODERICK. I am not sure which TSO version, but it is the one that is specified in the rule, that TSO specified in the rule, sir. It is not the most advanced one, because the technology with computers keeps advancing literally every six months or a year; but it is one that requires all of the modes just like we have in the major air carriers, the larger aircraft.

Mr. OBERSTAR. As you well know, there are two types of GPWS, one that is disengaged once the pilot is on final approach and has the flaps extended and the wheels down and GPS recognizes that the pilot is aware that he is approaching the ground, he or she is approaching the ground.

The other will override those indications and give the pilot a notification about the ground. And that type of GPWS, that category of GPWS would have been helpful in the Express II crash at Hibbing; it would have notified the pilot, even though everything was in readiness for—on final approach for a landing, would have notified that pilot that there was ground approaching faster than he anticipated.

Mr. BRODERICK. Yes. My memory tells me that the one that you are thinking of is exactly the one that we require. I will check it when I get back this afternoon, and if anything is different, we will get right back to you.

Mr. OBERSTAR. And I would like to have the schedule on which carriers are required to install that GPWS.

[See FAA letter, page 36.]

Mr. BRODERICK. Yes, sir. It is by April of this year that it must be completed, I believe is the month.

Mr. OBERSTAR. One of the recurring concerns of the public is that the FAA has this dual responsibility to promote aviation and also to regulate its safety. I understand what the distinctions are and that language was written into the FAA charter in the dawning years of aviation, and the FAA takes that charge in a very different way than perhaps the public might understand it to be. It is not out there promoting airlines, it is not out there promoting aircraft sales.

But there is another side to that issue, and that is a responsibility that all government agencies have to take cognizance of the economic impact of the regulations they are issuing. And we have been down this road many times.

The concern for the economic burden of airworthiness standards, time and again the FAA has either stretched out schedules or delayed. We have seen that over the past several years.

This is not a time for extensive philosophical discussion of this matter, but I want you to think about this issue, and I want you to—at the outset of your term, Mr. Administrator, to give some very careful consideration to concern for economic burden in the process of safety regulation of carriers, and particularly in the regional commuter area, where there is such rapid growth and where the economics may be somewhat fragile.

I am very concerned that the public has a view of FAA regulations as being overly responsive to complaints about this is going to cost us too much, don't make us do this. And there is a line to be walked there, but it need not be as fine as perhaps it has been in the past.

Mr. HINSON. Yes, sir. I am very cognizant of that having been on both sides now. There is a tension there, properly so, but I note your concern and perhaps we will have a chance to talk about it at length sometime.

Mr. OBERSTAR. The NTSB has cited pilot experience as a significant factor in commuter safety. Reviewing the most recent tragedy at Hibbing, reviewing the 37-accident report by NTSB, I would say that is a very considerable issue. And when you get into the background of pilots, as happens, unfortunately, in the aftermath of an accident—the pilot and first officer—you find some very surprising factors, and great unevenness in matching of pilot and first officer.

What is the FAA doing? Are you conducting some internal reviews of this matter, analyzing, evaluating it, planning to take some further action?

Mr. HINSON. Yes, sir. I think as a result of your hearing two years ago I went back to look at those areas that you had expressed concern about, to determine what the Agency has done in the interim to address the issues you raised in this committee two years ago.

You talked about human factors, training. This is the area that falls into. You talked about oversight surveillance, about flight time and duty limitations, about simulator training and about the high rate of pilot turnover in the commuter industry. The Agency has addressed in some form all of your concerns.

The one you just talked about with respect to crew pairing and experience, there is a final rule that will be issued very soon, and we are in the final rulemaking. We have had comments on an NPRM.

But, among other things, we are considering requiring at least one pilot to have 75 hours of flight in this particular airplane type before pairing of any two pilots, and mandating that the captain, when he has less than 100 hours of experience in a particular airplane, make all of the takeoffs and landings in reduced weather minimum, and other conversations that you alluded to two years ago.

So I believe the Agency listened to you carefully, and that rule will be issued very shortly.

Mr. OBERSTAR. How will you enforce such a rule? How will you check on—what is going to be your inspection process?

Mr. HINSON. Well, the same process as we use now, Mr. Chairman, with respect to overseeing all of the air carriers.

I was interested to read, for instance, that we had about an equal number of inspections last year between—in terms of numbers—between so-called commuter carriers and 121 carriers. So we are applying the same basic level of oversight in terms of actual inspections to the commuter industry as we are to the 121 industry. And our safety inspectors and airworthiness inspectors will be applying the same kind of oversight that they apply for all of the other regulatory requirements that are in place.

Mr. OBERSTAR. I would like you to submit for the committee's review for the final of this hearing a comparative chart showing the number of inspectors assigned to Part 121, 135 carriers, for airworthiness and other inspection responsibilities. I would like to see how we compare the two.

[The following was received from Mr. Hinson:]

There are currently 2,248 aviation safety inspectors working in the field (another 437 inspectors work in regional offices and Washington Headquarters). These inspectors are classified as either General Aviation or Air Carrier inspectors. Of the 2,248 inspectors in the field, 1,292 are General Aviation inspectors, and 956 are Air Carrier inspectors. General Aviation inspectors perform the majority of commuter inspections. Air Carrier inspectors inspect primarily Part 121 carriers, but will inspect Part 135, or commuter carriers, when the carrier is operating on a split 121/135 certificate.

Mr. OBERSTAR. On December 10, 1991, the Regional Airline Association petitioned the FAA for permission to train its pilots to 121 standards. Five months later, the FAA approved that petition. But that action was not the equivalent of a rulemaking, was it?

Mr. BRODERICK. No, it is not mandatory, sir, it is voluntary.

Mr. OBERSTAR. And do you know how many of the regional airline carriers actually have adopted that practice?

Mr. BRODERICK. I don't, but I know a number have. We could get the number for you if you would like, sir.

Mr. OBERSTAR. Well, that will be obviated by the issuance of the FAA's own rulemaking, and I just urge you to accelerate the process. This was something the industry itself said we would like to do. As an association, they said, give us permission to train to a higher standard. You gave that permission. It is two years later. We are still massaging the rulemaking.

Mr. HINSON. Yes, sir.

Mr. OBERSTAR. Mr. Clinger.

Mr. CLINGER. Thank you, Mr. Chairman.

The initial speculation with regard to the Hibbing accident suggested icing problems on the wings and flying into ice. I realize that the investigation has a long way to go, but what are the general rules with regard to a pilot's decision to fly into an area with potential icing? Are there any procedures that cover his decision-making process in that regard?

Mr. HINSON. Yes, sir. First, I am sure Mr. Vogt would be happy in his testimony to talk to you about the accident. We work very hard to stay away while they are involved and listen carefully to their recommendations subsequent to their investigation.

Every pilot flying an airplane is taught and trained and retrained about the potential hazards of flying any aircraft into known icing. However, the aircraft you are discussing is certified for flight in known icing, which means that it has been tested, it has adequate deicing equipment for the airframe and the power plants.

And the FAA and other, in this case, other agencies, because of it, was certified in Great Britain as well as other countries also certified the aircraft for flight in known icing. That means that when the aircraft enters an area of precipitation which may cause ice to accrete, the flight crew will go ahead and use their anti-icing and deicing equipment as appropriate. And that is customary and very normal.

Mr. CLINGER. So as long as the aircraft is equipped with the appropriate equipment, the pilot is cleared to fly through those conditions?

Mr. HINSON. Yes, sir.

I think what may be missing here for most passengers is that during the course of the year, even in the summertime, many aircraft fly through areas of heavy ice and precipitation. Even though you may be landing in visual or in an apparently non-icing environment, the airplanes fly through long areas of icing at various altitudes. So it is fairly normal environment.

Mr. CLINGER. Just one final question. What is the rate, if you know, of positive drug tests in the regional aircraft industry?

Mr. HINSON. Well, our experience so far indicates that all drug testing is well below 1 percent and is around the point 7 area, including pre-employment testing. If you remove pre-employment testing and only refer to employee random testing, it is below point 5.

Mr. CLINGER. Well, given the fairly low incidence then of the experience thus far, it is my understanding FAA has resisted reducing the percentage of random testing to 10 percent. Why would you continue to resist that, given the very low incidence?

Mr. HINSON. Two broader comments first. We have two types of testing. We have drug testing that everyone refers to generically, all of the hard drugs, and then we now have alcohol testing. Medically, alcohol is a drug as well, I believe. Congress mandated alcohol testing as well in some form.

The Secretary of Transportation has recently issued his final rules, in fact last week, I believe, with respect to both alcohol and drug testing. And it is, I believe, a rule for alcohol and a proposal to change the rate of drug testing, because there is already a rule on drug testing.

With respect to alcohol first, the initial random test rate for aviation is 25 percent. If the rate in this particular industry remains below, I believe it is 1 percent for two consecutive years, then that rate of testing will drop to 10 percent. In other words, it has a ratchet down mechanism.

Mr. CLINGER. That is for alcohol?

Mr. HINSON. Yes, sir, for alcohol. For drugs, the existing random test rate is 50 percent.

The Secretary is proposing a rule and will issue an NPRM reducing that rate to 25 percent and with a performance measurement in a similar fashion. And I would expect that would be the final configuration, pending the industry's comments with respect to the hard drug rulemaking. Have I thoroughly confused you at this point?

Mr. CLINGER. Yes. I guess you are going to go to the 10 percent for alcohol but only to 25 percent for drugs, and I wonder why the discrepancy?

Mr. HINSON. Well, that is a proposed rule. There will be adequate opportunity for the community, the aviation community and others, to comment. Those comments will be taken into consideration, and, of course, that will determine the final configuration of the rule.

Mr. CLINGER. All right. Thank you.

Thank you, Mr. Chairman.

Mr. OBERSTAR. Mr. DeFazio.

Mr. DEFAZIO. Thank you, Mr. Chairman.

If I could just—I know we have got to get the Administrator out of here, but just to go back to the duty time issue, just to make sure that we are on the same track here with the mandate of a June product. You know, sir, historically, one issue that has not been on the table has been duty time per se. I mean, the FAA has been reluctant to put that on the table. Is that, in your directive, now on the table in this six-month period?

Because that is the critical thing to me. If we don't deal with that, we haven't dealt with the problem. If we don't deal with the total, you know, permissible time that someone can be required on consecutive days to be on the job.

Mr. HINSON. Certainly duty time will be a part of that consideration.

Mr. DEFAZIO. Okay. So that is a major change from the past as I think regards FAA policy, and I congratulate you, to put that forward, because that is the key. I mean, otherwise you are——

Mr. HINSON. We are not forecasting any results, though.

Mr. DEFAZIO. Well, no. I expect that you will get a good result here, and, if not, we will discuss it some more.

One other issue is the—which also goes to that is this issue of standby and reserve duty. I mean, the bottom line—and I think part of the problem here is generally the people are not represented on these carriers. Not to say that all the major carriers now have represented work forces. But most of the major carriers that we deal with on an ongoing basis are—have represented employees, and we have left a lot of these things to contractual negotiations as opposed to setting minimum government standards.

And I would urge, in looking at that, to also look at the standby reserve duty issue because I, having read some testimony, recall that that was before us.

And then the one other thing that I think probably has been raised by other Members, but I had to step out for a moment, is certainly the arbitrary standard in terms of number of seats as opposed to sort of aircraft capabilities where we set the difference between the 121 and the 135. And we are going to have testimony later about in particular one aircraft, which is the SF–340, where it can have 34 seats maximum, but that some operators have chosen to just remove a few seats so that they fall under the different guidelines. That is a pretty high performance airplane.

So I mean, you know, sort of sometimes technology overcomes these older—if we continue to have dual standards, I think maybe we should review exactly how we set them, whether it is the number of seats or some performance characteristics or whatever that we use to set the differences.

Mr. HINSON. I think that is a legitimate point. I would only observe that, in the case where an airplane has been built and certified to the higher standards required by Part 121 and it is operated in another category, doesn't have to be just operated in 135, it could be operated in Part 91 or other categories as well. We have many categories of operations.

If you are operating an airplane that was built to the so-called high standards in 121, that certainly makes it safe for any other category as well. The issue is less whether the airplane was built and certified than it is the requirements for the people that are operating it. I think that is what you are getting at.

Mr. DEFAZIO. Right. We come back to the same——

So I thank the Chairman. I thank the Administrator.

Mr. OBERSTAR. Are you aware of a general practice in the regional airline industry of out-station basing, in which the carriers attempt to maximize one-day trips, minimize overnighting and require deadheading back and the effect that this has on the pilot community and—not necessarily the duty hours but the awake hours?

Mr. HINSON. Well, Mr. Chairman, I am aware that in the air carrier industry, not only in 135 but in 121, that crew domiciling is an important part of the economic equation whereby a carrier operates. And it will go from fairly small domiciles to accommodate, I think, the example you just suggested to larger domiciles, which are a function of how much of a hub there is and how much flying goes on.

There are, in the context in which that I am speaking, clearly advantages and disadvantages to doing it either way or both ways or all ways. I am not real clear on what the problem may be.

Mr. OBERSTAR. I would suggest that is an area to focus some attention on. Various companies have adopted this practice initially with pilot resistance and dissatisfaction. Later on, they say it is accepted, but it does have some effect on alertness and awareness and responsiveness of the crew. And I think it is worthy of your further inquiry.

Mr. HINSON. Yes, sir, we will look into that.

Mr. OBERSTAR. There are many other areas that we would like to explore, but the time that I anticipated for this panel has now run about 20 minutes longer than I expected. And, without letting you off the hook, I think you have put in a commendable period of time here and been very responsive to the questions from all Members.

Mr. Clinger. Mr. Clinger has one more, seeing that you are so resilient.

Mr. CLINGER. Just one.

As the Chairman alluded earlier to, the fact that the commuter airline that crashes may be totally independent, nevertheless it is going to be thought to be a subsidiary of a major carrier; if it is a Northwest commuter connector, it is going to be Northwest.

Does it make any sense to make the 121 carriers somewhat responsible for the safety of the code-sharing commuters that they deal with? Should they perhaps play a bigger role in assuring the safety from portal to portal?

Mr. HINSON. This is off the top of my head, Congressman, so I reserve the right to talk about it again. But I think not. There may be cases where they are owned in part or in all by the parent. And there, of course, you have one set of circumstances. There are others who have no economic relation whatsoever in terms of ownership or equity sharing between the larger carrier and the commuter carrier. They only have in a contract an agreement to share passengers or code-share, as the case may be.

I think we would prefer to apply our safety standards and diligence independent of whether the carriers are owned by a larger shareholder group or are totally independent in terms of ownership.

It is true that a number of the better safety programs that a larger owner would have would no doubt migrate to the commuter carrier, and that is beneficial, but we will accept that that way. I think we would prefer to continue to have our safety oversight independent of the parent.

Mr. CLINGER. Thank you.

Mr. OBERSTAR. Very good point. In sum, the FAA is going to move expeditiously on the final rule on pilot training, going to move expeditiously toward a rule on crew pairing—that may be part of the previous one or separately—is going to move vigorously on the matter of dispatchers, going to review and to get back to us on equipment differentials between Part 135 and 121, and going to look into this matter of out-station basing, going to review the flight time standards.

You have got a lot of work ahead of you on all these areas. We look forward to progress reports and to accelerating the schedules for issuance of rulemaking, particularly in these safety areas.

I think the time frame is just too long. I have always thought that. I know there are constraints, but I think we—on many of these, we have behind us the moratorium on rulemaking that existed two years ago. And there is no need to drag feet on issuance of rules in the safety area.

Mr. HINSON. Yes, sir. I thank you, Mr. Chairman, for the courtesies that you and the Committee have extended to us.

Mr. OBERSTAR. I thank you very much for your candid, knowledgeable performance this morning. Very, very reassuring.

Mr. Broderick, it is always a delight to have you with us.

[Subsequent to the hearing, the following was received from FAA:]

U.S. DEPARTMENT OF TRANSPORTATION,
FEDERAL AVIATION ADMINISTRATION,
Washington, DC, February 9, 1994.

Hon. JAMES L. OBERSTAR,
Chairman, Subcommittee on Aviation,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: At today's hearing on commuter airline safety, you asked a number of questions which require some followup on our part. While we will certainly review the hearing transcript to capture all of the detailed information requests that were made by you and others, I wanted to get back to you promptly on several issues you raised which we can respond to immediately.

You asked about the detailed response characteristics of the ground proximity warning system (GPWS) newly required for commuter airlines, and when installations would be complete. Our regulations require installation of the GPWS by April 24, 1994, on all aircraft having 10 or more passenger seats (unless an alternative system giving similar information had been installed before April 20, 1992, in which case the GPWS installation may be delayed by up to two years). The details of the system warning parameters when the aircraft is in the landing configuration on a non-precision approach are given in the enclosed chart entitled "Mod 4, Envelope 3." In summary, below approximately 400 feet, if an airplane is in the landing configuration and on a non-precision (no glide slope) approach, there is no "terrain" warning given. Experts who designed this system believed that the increased number of false warnings that would be given if the system were to provide warnings in that situation would provide a counterproductive source of distraction to the crew, as they would be alerted on every such landing.

You also asked about the number and types of inspectors we have on board today. As of December 31, 1993, we employed 706 "general aviation" operations inspectors, 586 "general aviation" airworthiness inspectors, 409 "air carrier" operations inspectors, and 547 "air carrier" airworthiness inspectors, for a total of 2,248 field aviation safety inspectors. These inspectors are assisted by another 437 inspectors assigned to duties not directly categorized as "field inspector" duties, for a grand total of 2,685 inspectors.

You also raised the issue of crew domiciles, and the effects on crew rest of relocating them. I am not familiar with any information we have on that specific point but I will, as you asked, make it a point to get better acquainted with the issue.

Lastly, you noted that the Northwest Airlink Express II management had requested and received a safety audit from their insurance company, and asked if FAA had seen the report, or similar ones. As I indicated, I had not seen the report, but I will attempt to track it down, read it and determine its usefulness to the promotion of safety.

I sincerely appreciate the courtesies you and other members of the Subcommittee extended to me, and look forward to working closely with you on what is obviously a wide array of projects of mutual interest.

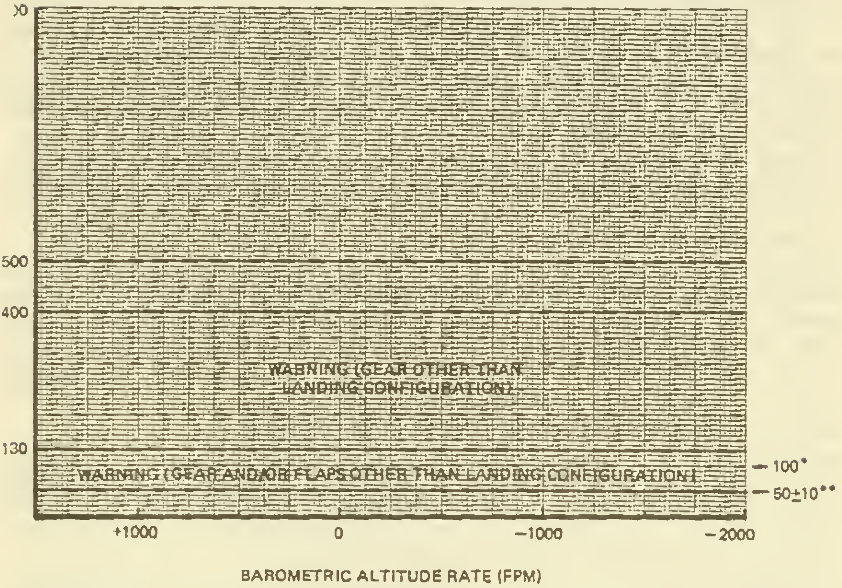
Sincerely,

DAVID R. HINSON,
Administrator.

Enclosure.

A

MODE 4, ENVELOPE 3
FLIGHT INTO TERRAIN WITH LESS THAN
500 FEET TERRAIN CLEARANCE AND NOT IN LANDING CONFIGURATION



Horizontal lines at 130 and 400 feet height above terrain are lower tolerance limits. Manufacturer shall declare selected positions for nominals above these lines and compute upper tolerance limits similar to those for Mode 4 Envelopes 1 and 2 (recognizing the need to minimize nuisance warnings) before applying test procedure T-4 of Appendix B.

AUTOMATIC TRANSFER FROM MODE 4 TO MODE 3 MUST OCCUR WITHIN 2 TO 3 SECONDS UPON CHANGING AIRCRAFT CONFIGURATION WITHIN AREA BOUNDED BY GEAR AND/OR FLAPS OTHER THAN LANDING CONFIGURATION ENVELOPE WHEN EXECUTING MISSED APPROACH. ABOVE THIS BOUNDARY AIRCRAFT CONFIGURATION CHANGE SHALL NOT CAUSE TRANSFER OUT OF MODE 4. OPTIONALLY, AUTOMATIC TRANSFER FROM MODE 4 TO MODE 3 MAY OCCUR WITHIN 2 OR 3 SECONDS UPON CHANGING AIRCRAFT CONFIGURATION WITHIN AREA BOUNDED BY GEAR AND/OR FLAPS OTHER THAN LANDING CONFIGURATION ENVELOPE AND GEAR OTHER THAN LANDING CONFIGURATION ENVELOPE WHEN EXECUTING MISSED APPROACH. ABOVE 500±50 FEET, AIRCRAFT CONFIGURATION CHANGE SHALL NOT CAUSE TRANSFER OUT OF MODE 4.

*Maximum ascending arming height.

**Descent inhibit height.

Mr. OBERSTAR. Our next witness is the Chairman of the National Transportation Safety Board, the Honorable Carl Vogt. Welcome him to the hearing.

Please take the Chair.

Might take this opportunity to commend the Safety Board again for its vigilance in that area of air travel that is so important and so often taken for granted. But taken for granted because it is an article of faith by the air traveler that safety is going to be taken care of by the carrier, by the FAA and by the watchdog agencies of the Federal Government.

And, of course, I think they count on their elected representatives from Congress to conduct their responsibility of oversight. But you are the first line of safety in the sense of the government responsibility in that area.

Safety, of course, begins in the front office of the carrier. They cannot avoid or escape or shift responsibility for safety. And there has to be a corporate culture of positive attitude about safety if carriers are going to operate properly. To guide them and point them in the right direction, keep them on track, we have the, thankfully, the National Transportation Safety Board.

Mr. OBERSTAR. Glad to have you this morning.

TESTIMONY OF HON. CARL W. VOGT, CHAIRMAN, NATIONAL TRANSPORTATION SAFETY BOARD, ACCOMPANIED BY TIMOTHY P. FORTE, DIRECTOR, OFFICE OF AVIATION SAFETY

Mr. VOGT. Thank you, Mr. Chairman. Pleased to be here.

Let me begin, Mr. Chairman, if you would, with a few remarks. It is always a pleasure for us to appear here. We have worked very closely with the committee under your leadership for many years. We think it has been very productive.

Before I begin, I would like to introduce Mr. Tim Forte, who is the Director of our Office of Aviation Safety, here at the table with me today.

Nearly 70 percent of the U.S. communities offering scheduled air service depend exclusively on a regional airline as the originating or terminating source of transportation. While many of these operations use large airplanes that must be flown under the same rules that apply to major carriers, about 70 percent of the airplanes in the regional airline fleet carry no more than 30 passengers and operate under the commuter airline rules of Part 135 in the Federal Aviation Regulations.

In some areas, the current operating requirements of the Part 135 rules are less stringent than similar rules that apply to operators of larger aircraft, as you have noted earlier in this hearing.

These differences have often been interpreted as providing a decreased level of safety for the commuter industry. This has been a concern stated periodically by the Safety Board in accident investigations and safety studies. Many of the Board's safety recommendations have thus been directed toward achieving an equivalent level of safety between the commuter airlines and the majors.

Having said that, one must also recognize that there are significant differences between the operation of commuters and major air carriers. For example, while most of the commuter operations are conducted in modern turboprop aircraft that have achieved high reliability, there are operators in the commuter industry who fly reciprocating engine powered airplanes that will never achieve the reliability of modern jet transports.

Moreover, commuter pilots are generally less experienced. In fact, as has been noted earlier in this hearing, commuters are often a stepping stone for pilots to the major carriers.

Other factors that can effect risk are lower altitude operation of commuter aircraft, which often means greater exposure to adverse weather, and the less sophisticated navigational aids available in the cockpit and at destination airports. Many of these airports may not be equipped with distance measuring equipment or precision instrument landing systems, for example, as was also discussed earlier.

There were 14 fatal accidents involving scheduled commuter flights in the last 26-month period in which 56 persons were killed. During that same period, there were over 6 million scheduled commuter departures. While this record is not as good as we would like, it is consistent with a steady improvement during the last 10 years.

Four of the fatal accidents—Commuter Air on January 3, 1992, at Saranac Lake, New York; GP Express on June 8th, 1992, at Anniston, Alabama; Express Two on December 1, 1993 at Hibbing, Minnesota; and United Express on January 6, 1994, at Columbus, Ohio—involve issues previously addressed by the Safety Board. Those issues are pilot situational awareness, pilot experience and training, crew pairing, and company oversight of flight operations.

The circumstances of the Saranac Lake, New York, accident, the Anniston, Alabama, accident and, to date, the evidence obtained during the continuing investigation of the Hibbing, Minnesota, accident, all indicate that there were no engine power or flight control problems that would have rendered the airplane uncontrollable before they struck the ground.

While it is not conclusive that all of these accidents could have been prevented had the airplanes been equipped with a functioning GPWS and had the pilots responded appropriately to the warning, it is widely accepted that a GPWS warning will provide some margin, allowing the pilot additional reaction time to recover the aircraft.

As you are aware, the need for GPWS on commuter aircraft is an issue the Safety Board has strongly advanced, and it was placed on the Board's most wanted list of safety issues. We are pleased that GPWS will be required as of April 20 of this year.

Other issues that the FAA has or will shortly deal with are cockpit resource management training for flight crews, pilot qualification and training requirements and occupant protection standards.

In addition to the above accidents involving Part 135 scheduled operations, the Safety Board has investigated three training accidents that were being conducted under Part 91 involving certificated commuter carriers. In examining training issues in those and other accidents, the Safety Board noted that some carriers have not created a corporate structure to instill a safety-first attitude in flight crews. Consequently, the Board believes that FAA oversight of commuter operations is paramount.

I would like to take this opportunity to advise the committee, Mr. Chairman, that the Board plans to conduct a safety study on commuter airline safety. The goal of this study is to examine the overall safety standards and practices for the commuter airlines in the areas of pilot qualifications and training, FAA oversight and regulation, aircraft certification and maintenance and other issues that may be added to that agenda, which we are developing.

We don't have a time frame for this. I have seen the preliminary time frames, and it would cover approximately six months after the approval by the Board of this study, which we are—which we have under consideration right now.

Mr. Chairman, that completes my testimony. I would be happy to respond to your questions.

Mr. OBERSTAR. I want to thank you very much for the testimony you have supplied and the more detailed prepared statement, of course, which will appear in the record, which is replete with valuable information about safety in this airline sector. I really do look forward to receiving that more intensive report.

I want to congratulate you on taking to heart something I think Mr. Clinger and I both have urged the Safety Board to do and that is be prospective. Look back on the record of your investigations over the years on a particular issue or aspect of safety and then think it through and make some recommendations to guide safety for the future on a broader basis than incident by incident. And you are doing that, and I appreciate it. I think air travelers will welcome your vigilance and your forward look.

You spoke of low experience levels of commuter airline pilots. I have addressed that matter in the past, as well as crew matching, crew pairing, very experienced pilot in many cases and a very inexperienced first officer given the entry level, if you will, of the pilots. At the commuter or in the commuter and regional sector, what would you recommend for better safety performance by the carriers in this area?

Mr. VOGT. Well, Mr. Chairman, if you take as a given, as you put it forward, that we are going to have inexperienced pilots coming into the commuter fleet, we have emphasized in a number of our recommendations to surround that inexperience with higher levels of corporate oversight, FAA oversight, and particularly training and simulator training.

We have had in a series of the last four accidents—other than the training accidents, for example, the operational where we have had evidence of inexperienced pilots and crew pairing problems.

In Anniston, Alabama, for example, we had the tragic circumstance of a captain on his first commuter flight as a captain. Now that wasn't planned that way but, due to circumstances which led up to his assignment, that is what happened. And the first officer was not extensively experienced.

If you just take that circumstance, then we believe you have to be much more intense in your training and in corporate requirements, for example, for stabilized approach procedures, which we have found to be lacking in some of these accidents.

So we are very encouraged that the FAA appears to be moving in that direction, but we think that it is a pressing need which exists right now and needs to be addressed immediately.

Mr. OBERSTAR. Cockpit resource management, beyond the issue of crew pairing—I appreciate your response to that previous question—is extremely important, the training and retraining and the matching of crew.

And there is something that has emerged from your 37-accident study and from careful review of the Express Two tragedy at Hibbing, that a considerable number of pilots in the regional airline arena are not working on a regular basis. They are—some pilots are working more hours per month than Part 121 pilots, but first officers often are working maybe only 10 hours a month. The infrequency of flying for those, maybe these are standby pilots, maybe these are reserve status pilots, but if they are not flying regularly, their first hours——

It is like air traffic controllers. I think you have studied enough of these—you, Safety Board, has studied enough of the air traffic controller community to know that it is in the first couple of hours of coming on duty that the greatest number of errors is committed.

And the same with pilots. If they have been out of the loop for a while and they come back in, they are just simply not attuned, they are not in sync right away, and it takes them a little while. It may be an intangible, but it is an important factor in safety. And I would like your comment on that.

Mr. VOGT. Well, it is a very important factor in safety. And those of us who have flown know that you have got to stay current, as do controllers. And I think, Mr. Chairman, that it is all part of the overall oversight responsibility that we think needs to be increased by corporate officials who are responsible for safety.

And, as you know, in 135 operations there is no requirement to have a corporate safety officer. And we think that that is a—would be a step in the right direction. And also for FAA oversight.

In at least one accident in the last couple years that I am familiar with, we had a pilot who had come back from six years of medical leave and was involved in the early stages of reentry into line responsibilities.

So it is certainly a problem, a managerial problem that needs to be dealt with.

Mr. OBERSTAR. Calling someone back from such a long layoff—or even a shorter layoff—shouldn't there be a requirement for some sort of simulator training before you go back on duty?

Mr. VOGT. Well, I think that would certainly be helpful. If you pair a pilot who is coming off leave or is flying infrequently, I think you have to take some care as to just where you draw the line between a requirement for simulator training or pairing with a pilot who is experienced and on route. But that whole subject matter is certainly worthy of attention.

Mr. OBERSTAR. We may have a vote here. I have a number of questions, but I will at this point yield to Mr. Clinger.

Mr. CLINGER. Thank you, Mr. Chairman.

Following up on my questions to the Administrator——

Mr. OBERSTAR. That is, if the gentleman can find his voice. I sympathize greatly with my colleague, having lost my voice early in January for about three weeks.

Mr. CLINGER. I may have to resort to semaphore here before we are through.

But with regard to the new rules that the DOT is coming out with on drug and alcohol testing, do you have any idea how much of a problem this may be in the commuter airline industry?

Mr. VOGT. We have not found evidence in our investigations of drug or alcohol involvement in commuters as such. We have for a long time been proponents of drug and alcohol testing, and I am encouraged by the new DOT regulations and their proposition of graduating down depending upon levels of success. And so we support those.

We don't have any particular evidence that relates to the commuter industry in that regard, however.

Mr. CLINGER. Given the fact, I think, the incidence that Mr. Hinson testified to is very, very minimal, what would be wrong with reducing that testing further?

Mr. VOGT. Well, I think, as I understand the new DOT regs—and I have not sat down with them and personally reviewed them—that the idea is to reduce the frequency of testing and then to reduce it further depending upon the results. And I think that may have some benefit.

Mr. CLINGER. At the moment the floor is 25 percent, but I think Mr. Hinson did indicate that that might be——

Mr. VOGT. It would go down to 10 percent, I believe.

Mr. CLINGER. On alcohol, but not on drugs.

Mr. VOGT. Yes.

Mr. CLINGER. What about the age 60 rule? Does that apply to pilots on commuter aircraft?

Mr. VOGT. I don't believe it does. No, sir, it does not.

Mr. CLINGER. Why not, I wonder, if, in fact, the purpose of the 60 rule is safety related?

Mr. VOGT. Well, we are somewhat of a reactive agency, as you know, Mr. Clinger, and we have not encountered that in commuter aviation as a problem. The problem of commuter aviation has rather been at the other end. We have got an awful lot of young pilots there. And I would hope that over time we may have that issue in commuters, as people find that as a career path and stay with commuter or regional airline flying.

It is an unfortunate distinction that we make between 135 label as commuters because, as you know, a large portion or substantial portion of the regional fleet operate under 121. So we hope that people will start making careers there. But, right now, the age 60 rule doesn't seem to be an issue.

Mr. CLINGER. Just one final question.

The recent accidents that we have had involving the British Aerospace Jet Stream plane, appear to be related. Have you reached a conclusion as to whether the aircraft is fundamentally sound or are the accidents unrelated?

Mr. VOGT. Well, the first two accidents involved some tail plane icing, and the FAA came out with regulations to change the operating procedures for the aircraft in landing, to slow down the speeds and to reduce the degree of flaps used. And that seems to have addressed that issue.

To date, as you know, both the accident at Hibbing and the one in Columbus are still under investigation, but we have seen no evidence to date in either accidents that icing was a factor. We are continuing that investigation, but it would appear that both of those aircraft were in control, the one in Hibbing until it made contact with the ground, and the one at Port Columbus until it was at very slow speed at a low altitude in a landing configuration.

So, to date, it would appear to us that those aircraft are very flyable and are performing well. And we don't have any reason to believe that there is a generic problem with those airplanes.

Mr. CLINGER. Would you agree with Mr. Hinson, that applying part 121 standards to part 135 operators makes good safety sense?

Mr. VOGT. Yes, we are certainly in agreement with that direction. All of our recommendations, which, again, originate with accidents, except for our studies, have been in the direction of increasing the level of safety in commuter and regional operations.

I think you have to be careful about just saying generically we are going to apply all the 121 to what are now 135 carriers. And I don't think the FAA intends to do that on a wholesale basis. I think you have to look at where it fits.

But we are very much in agreement with that movement in that direction.

Mr. CLINGER. If, in fact, as they indicated, so many of these factors are related to human factors?

Mr. VOGT. Particularly in the area of training and in the use of simulators. We have been on accidents since back in the mid-eighties, and we are encouraged to see the series of rulemakings that the FAA is undertaking now.

I must say, we are impatient people in our agency. We are an impatient agency, and we are anxious to see these not just proposed rulemakings, but proposals that come to fruition.

Mr. CLINGER. Thank you.

Mr. OBERSTAR. Keep on being impatient.

Mr. VOGT. We will. I assure you.

Mr. OBERSTAR. The safety-conscious traveling public will be very grateful for that.

We do have a vote in progress. I would like to vote and return to pursue a few more questions.

The question I want to lay before you is on Ground Proximity Warning Systems. You mentioned airlines were given two years to equip. Most of them are waiting to the deadline in April. It appears that not all of this time was necessary, if they are waiting that long. So I want you to mull on whether that compliance schedule was too long. It could have been compressed. And——

Mr. VOGT. We were disappointed.

Mr. OBERSTAR [continuing]. I invite your comment when I return.

The subcommittee will take a brief recess.

[Recess.]

Mr. OBERSTAR. The subcommittee will resume its sitting.

Chairman Vogt, we will pick up where we left off.

I laid before you a question about Ground Proximity Warning Systems—specifically, whether the two-year compliance schedule could have been compressed, given the lag time by the carriers in complying with the deadline that FAA set.

Mr. VOGT. Yes, sir. Well, as you know, that has been on our most-wanted list for a long time. And we were disappointed that the compliance period was not shorter. Our disappointment has been somewhat borne out by what we perceive to be the delay in the installation of GPWS.

There was no GPWS, as you know, in the aircraft that crashed in Minnesota. There was one at Columbus, but it was disconnected because of the stick structure and configuration of the aircraft. But that is an issue that I am glad to say will be resolved in April of this year. I wish it had been resolved some time ago.

Mr. OBERSTAR. I frankly see no justification for such a long delay in implementation. I think that over time the FAA has given carriers far more time for compliance with new safety requirements on equipment or crew training than is justified in the real world, and I think that has been a conclusion of the Safety Board as well.

Mr. VOGT. It has.

Mr. OBERSTAR. Why is—what justification is there for not requiring a flight data recorder aboard aircraft of less than 35-passenger capacity?

Mr. VOGT. Let me refer to Tim here. I think it is now down to 20 seats, is it not?

Mr. FORTE. And in some cases lower. There are regulations now that do require FDRs for aircraft carrying passengers between 20 and 30, and those need to be retrofitted also. And there are requirements for 10 to 19 passengers, if they were brought into the United States since October, 1991. There is no requirement to retrofit those aircraft prior to that.

Mr. OBERSTAR. I understand—maybe the traveling public doesn't, but certainly I understand, as anyone close to aviation does, that a flight data recorder is not going to prevent an accident. But what it does is give valuable information to the Safety Board, to the FAA, to the manufacturers and to the carriers about performance of the aircraft in—of an aircraft involved in an accident. That is extremely important for preventing future accidents or at least giving us clues as to why this one occurred and what lessons can be learned for the future.

And that such a large number of Part 135 carriers do not have flight data recorders is a matter of concern to me.

Mr. VOGT. Mr. Chairman, we think it may be the single most important information that we get in solving accidents and in making recommendations for the future. And we are in favor of those aircraft being retrofitted that are now excepted from that regulation.

Mr. OBERSTAR. Have you made known to the FAA your concern and your recommendation?

Mr. VOGT. I believe—and I am going to defer to Tim on this—but I believe that our recommendations made no distinctions. The distinction has been built into the regulations and would be inconsistent with our original recommendations, that all aircraft in passenger service have—particularly 10 or more seats—have flight data recorders.

Mr. FORTE. And that is our stated position.

Mr. OBERSTAR. And what has been the response of the FAA to that recommendation?

Mr. VOGT. Their response has been a regulation with the exemption for aircraft that were brought into the United States prior to a particular date. Which—again, Tim, what was that date?

Mr. FORTE. October, 1991.

Mr. VOGT. October of 1991.

Mr. FORTE. In the 10-to-19 passenger range.

Mr. OBERSTAR. I think we will have to, by letter to the FAA, ask them to accelerate that schedule, modify their rules to come into compliance with the NTSB recommendation which I think is only reasonable and certainly justified in light of incidents that have occurred, including the recent crash at Hibbing. That aircraft did not have a flight data recorder.

Mr. VOGT. That is correct. We would certainly welcome that kind of involvement by your committee.

Mr. OBERSTAR. I certainly recognize on the part of the Administrator this morning a willingness to move more speedily than the FAA has moved in the past, a willingness to be tough on compliance matters and to accelerate actions and even ask for voluntary compliance by carriers in advance of publication of rulemaking. So perhaps there is a new spirit, a new era of compliance and compliance enforcement at that agency.

Mr. VOGT. We are certainly encouraged by what we have seen so far.

Mr. OBERSTAR. Does the Board have any views on the differences between flight—pilot flight time requirements between Part 121, Part 135 carriers?

Mr. VOGT. Well, the differences are not that great. As you know, Mr. Chairman, they are I think 200 hours in a year and 20 hours in a month. We are very sensitive to that. We haven't correlated compliance or noncompliance with cause determinations in any of the accidents we have investigated.

Having said that, though, I think it is a very germane issue, and we are very interested in how that might be treated. We are in the process of doing a rather substantial study on fatigue in transportation and it is an issue of great concern to us and to everyone who is involved.

That issue needs all the attention it can get, but I believe it needs more than just saying that the regulations ought to be the same. I think it needs some in-depth analysis about scheduling. And it gets into the whole subject matter of crew pairing and cockpit resource management and fatigue. We see that as a broad general issue of the competency, the training and the fitness of people who are in the cockpits.

Mr. OBERSTAR. Thank you.

Mr. Clinger.

Mr. CLINGER. Thank you, Mr. Chairman.

To what extent, Mr. Vogt, if any, does the Safety Board take costs into account in making a safety recommendation to the FAA? Is that a consideration?

And I guess the other follow-on would be, to what extent should FAA take that into account, if any?

Mr. VOGT. Well, we apply what we call a rule of reason. We are not bound to make a cost-benefit analysis as is the FAA. So we try to be sensitive to cost considerations, but our primary objective is, of course, safety. There is an old axiom in the industrial community that the safest plant is an empty one, and certainly cost should be a consideration.

But other than applying a rule of reason, which I must say I think we do a reasonably good job of, our emphasis is on what makes it safer.

Mr. CLINGER. It has been alluded to before that regional commuter aircraft fly into airports that are much less sophisticated in the equipment that may be available as compared with the larger airports. Which, obviously, I would think heightens the safety risk involved in regional airports.

Looking at that side of the equation, should there be attention paid to upgrading all of these regional airports? And is that really feasible?

Mr. VOGT. Well, I think that the advent of GPS and satellite navigation, is going to accomplish a great deal in that regard. Because it is going to be available without requiring the development of an extensive infrastructure to make it work. So I am very encouraged about the potential for GPS of airports that now have less than the optimum navigational and other flight assistance mechanisms.

But a lot of commuter accidents, particularly again the Anniston, Alabama, had we had GPS in effect at that time, the pilots would have had some graphic displays that would have greatly assisted them.

Mr. CLINGER. When the Safety Board makes a recommendation that a particular piece of equipment should be installed in an aircraft obviously, this has greater repercussions when you are talking about the smaller aircraft in terms of weight and balance? Is that something you take into account in determining whether or not the particular piece of equipment should be added to an aircraft?

Do you have to weigh that against the economics of operating that plane and passenger service?

Mr. VOGT. Well, that certainly is a factor we like to take into account. But, quite frankly, that has not been a determinative factor in any of our recommendations that I can recall. And that, when we have considered it, the size of the aircraft and the weight issues have not really been factors that we thought were determinative or that in any way inhibited us from making a recommendation.

Mr. CLINGER. Thank you.

Mr. OBERSTAR. What is the time frame within which you anticipate completing the commuter safety study that you mentioned earlier?

Mr. VOGT. Mr. Chairman, it is—the proposal is being circulated among the Board members right now, and the time frame is six to eight months as it is proposed. That would include within the next 60 to 90 days a hearing.

Right now, the proposal is for a three-day hearing in which we would invite Members of the commuter community and others to testify before the full Board. That is an en banc hearing. We may go with a lesser number of Board members or with the en banc proceeding, but the hearing would be an extremely important part of our fact gathering.

Our idea is to give everyone involved an opportunity to present their views to us. We would be particularly sensitive to similarities and to generic issues of the regional commuter airline industry.

We want to make this a comprehensive and thorough investigation to base recommendations which we hope will target the issues—all of the issues that we are concerned about here today, plus some additional ones.

Mr. OBERSTAR. Yes, I want to encourage you to go into such matters as common industry practices which go beyond the regulatory framework.

Mr. VOGT. Yes, we hope to do that, Mr. Chairman.

Just a list of some of the things that we intend to look into would be overall pilot selection and training and checking for both conventional and glass cockpits. But the whole business of pilot selection and training we think is just essential in this industry.

As you know, in several of the training accidents, we have made recommendations that those nighttime training flights be replaced with the use of simulators. And we are not altogether comfortable with the FAA's reaction to that.

We are very interested in the rulemaking that they are putting forward and its application to 135, not just to 121 operators and the use of contract ground and flight training by the regional industry. Much of their training is done by contract, and it is very good training, but we have a recommendation arising out of the Anniston case that it is not enough. You need to involve people who experienced in an airline's commuter operations before you put a pilot on the line.

The whole subject of flight following versus flight dispatch systems would be a subject of our hearing. Flight and duty time standards and practices would be a major issue that we would investigate, maintenance and inspection programs throughout the regional and commuter industry, DOT and FAA fitness determinations and general surveillance and oversight.

We would also look at certification standards of aircraft in this industry, particularly those manufactured outside the United States and certified by the FAA under bilateral certification agreements.

Crashworthiness and survival factors would be an important aspect of our investigation. As you know, there are right now some FAA rulemakings proceeding on increased crashworthiness and survivability for commuter type airplanes, which we are very encouraged by, and we have commented on those recommendations.

But there are also some additional issues we would like to see put into that mix.

That is more or less of an overview of the kinds of issues that we want to address in this hearing, and we would cut across the entire industry. And we would include in there the relationships between some of these regional carriers and their host airlines that you discussed earlier, whether it is just a code-sharing relationship or whether there ought to be enhanced responsibility on the part of the larger airlines under whose logo they operate.

Mr. OBERSTAR. That is very good. That is very comprehensive. And I appreciate and look forward to receiving that report when it is completed.

Have you reviewed the reliability of maintenance of aircraft among the regionals and commuters? And how much of that is done in-house? How much of it contracted out? You already referred to contracting out of pilot training.

Mr. VOGT. We believe that is an issue, and it is one of the issues we are going to look into. As you know, it came up in the Continental Express accident at Eagle Lake, Texas, a couple of years ago, where there was a maintenance problem resulting in the loss of the aircraft and all the passengers involved on board.

So that is clearly something we have identified as an issue, and we would like to find out just how extensive the contract maintenance is and what level it is.

That Continental Express was not contract maintenance, but that is an issue that we think is important.

Mr. OBERSTAR. Thank you very much.

What role do you feel airport technology plays in safety in the regional and commuter field? Do aircraft—do airfields accommodating such aircraft have typically the equipment they need for flight operations in all kinds of weather? If not, do the airlines just simply cancel flying in there in order to be safe?

Mr. VOGT. Well, it is hard to generalize, Mr. Chairman. We do know that many of these airports do not have all the equipment that is available in major airports, and, to the extent that they don't, then there are certain inherent risks. It is very difficult to categorize whatever deficiencies might exist. All of the airports are certificated and approved for their type of operation.

That might also be an issue that we should address in this. We haven't found the airports to have been involved in the accidents we have investigated involving commuter aircraft, however.

I would say this. Whether it is a small airport or a large airport, when you have a crash the reaction of the airport emergency crews is a very important factor in the survivability of the passengers. So to the extent that that is diminished in a smaller airport, that would be of concern.

Mr. OBERSTAR. The NTSB does not, as a matter of course, inquire into general aviation aircraft accidents. Do you think that is an area——

Mr. VOGT. No, sir. We investigate all of them. We investigate almost 2,000 general aviation accidents each year.

Mr. OBERSTAR. Thank you.

In the several reports you have referred to in your prepared testimony of flying through bad weather conditions where there is maybe several layers of weather differences, warmer air at the top, cold—cooler layer, rain turning to ice below and perhaps sleet as it reaches the ground, in those circumstances and in reviewing several reports, I notice that there is a practice of pilots to make a very rapid rate of descent through that layer of rain and ice and cloud in order to minimize to the greatest extent exposure of the airframe to icing.

But once they get through that cloud layer, they are at a rate of descent of maybe 2,500 feet per minute. Then they have to be very immediately prepared to slow that rate of descent and level it out or stretch it out in order to approach the airfield in a proper configuration for landing. Now, are pilots properly trained for that procedure and is the equipment aboard aircraft appropriate for such procedures?

Mr. VOGT. That is an issue that is involved in the Hibbing accident and also, to a certain extent, I believe in the Columbus accident. And we are going to be looking at that in that context. I would be a little reluctant at this point to make any comments that might suggest that we had a preconceived notion about it.

It certainly is a maneuver that is coming up in our awareness as one that is often practiced. We have seen similar kinds of maneuvers in takeoff in icy conditions of 121 carriers in the past which we treated in some of our investigations.

So we will be looking at that, Mr. Chairman. I would be reluctant at this point to comment on it generically.

Mr. OBERSTAR. I urge you to review this matter very carefully and to give it the Board's usual thoughtful inquiry.

Mr. VOGT. We will certainly do that.

Mr. OBERSTAR. Mr. Clinger has no further questions, and I thank you very much for your time today—it has been most valuable—and encourage you to continue in the splendid safety work of the Board.

Mr. VOGT. Thank you, Mr. Chairman. We appreciate the opportunity to be here.

Mr. OBERSTAR. The subcommittee will take a brief recess.

[Whereupon, at 12:55 p.m., the committee recessed, to reconvene at 1:30 p.m., the same day.]

Mr. OBERSTAR. The subcommittee will resume its sitting.

The subcommittee is now prepared to receive testimony from Mr. Walter S. Coleman, President of the Regional Airline Association.

Mr. Coleman, welcome to our hearing. We have your prepared testimony. It will be included in full in the record. You may summarize or you may deliver the entire testimony as delivered. It contains a great deal of important information.

TESTIMONY OF WALTER S. COLEMAN, PRESIDENT, REGIONAL AIRLINE ASSOCIATION

Mr. COLEMAN. Thank you, Mr. Chairman. It is a pleasure for the Regional Airline Association to appear before you today to discuss regional and commuter airline operations and safety.

I would like to take advantage of this opportunity to talk a little bit about the regionals. It is a good story to tell.

The number of passengers carried on regional airlines has increased significantly each year since deregulation. Just since 1990, this number has increased nearly 10 million. The role of regional airlines in the Nation's national air transportation system expands every day. The air traveler and the communities served are the beneficiaries of this growth, and it is important that passengers and prospective passengers have confidence that this element of the air transportation system will provide safe and reliable service.

It is important that RAA define the group that we represent. There are approximately 125 regional airlines providing scheduled passenger and cargo service in the United States. RAA represents 70 of these airlines which fly 93 percent of the regional airline revenue passenger miles. The carriers fly mostly turbo-propeller-powered twin engine aircraft with 70 seats or fewer on short haul segments connecting mostly smaller communities with larger cities and hubs. Some regionals fly a few of the smaller turbojet-powered aircraft seating up to about 90 passengers.

The passenger fleet of the regionals has increased to over 2,100 aircraft, and the average trip length is just over 200 miles. Forty-four regional carriers have code-sharing agreements with major airlines. Some of the regionals are wholly owned by their major partner, a few are partially owned. But two-thirds have no ownership by the senior partner.

Of the approximately 511 airports receiving scheduled air service in the United States, about 318 receive their scheduled air service only from regional airlines. Many communities depend on the service of regionals to meet their air travel needs, and the regional airlines know they must meet the travelers' expectations for safety and reliability. And this is the objective of the member airlines of the Regional Airline Association.

It should be noted that many of the aircraft that operate in the regional fleet operate under FAR Part 121. We have been through this a few times. I will try it one more time.

They have 31 seats or more under Part 121. FAR Part 121 applies to all domestic carriers, flag carriers and commercial operators of large aircraft. In fact, nearly 30 percent of the aircraft in the regional passenger fleet operate under Part 121, and these aircraft make up 50 percent—five oh—of the available seats in the regional fleet. Aircraft with 30 seats or fewer operate under 135.

The difference between these two parts of the Federal Aviation Regulations have undergone a steady reduction. That is, many of the regulations that are required for carriers operating under FAR Part 121 have also become requirements for airlines operating under FAR Part 135.

In the cockpit, in addition to more and more aircraft with advanced systems, we have an increasingly experienced regional airline pilot work force. In recent years, the reduction in the rate of hiring by the large air carriers has contributed to an increasing number of qualified pilots seeking employment with regional airlines.

Speaking of experience and qualifications, it should be noted that the captains, the pilots in command of regional airline aircraft, have the same air transport pilot rating that captains of the largest turbojets have.

Many equipment requirements for aircraft operating under FAR Part 121 have been applied to most Part 135 aircraft. The equipment requirements include cockpit voice recorders, digital flight data recorders and, effective April of this year, Ground Proximity Warning Systems.

The requirements to carry some of this equipment have posed a space challenge for regional aircraft. The smaller diameter of the fuselage of regional aircraft provides very little space for adding equipment. On some aircraft it has been necessary to use space that previously had been there for passenger storage to locate some of the new electronics. As new equipment requirements have been added, it has become increasingly difficult to find space on the aircraft to install some of it.

One of the most critical elements in aviation is the management of weight. This has a particular importance in commercial aviation as passengers and cargo are the payload. The difference between the airplane weight plus fuel and crew and the allowable takeoff gross weight provide for the payload. Airplanes are designed to achieve specific objectives in payload, and they are purchased by airlines because they meet the needs of the air carrier in their planned operation.

The addition—the attention to the weight of the aircraft and the payload potential is not limited to regional airplanes. It is just as important to operators of large turbojets. However, a requirement to add a 40-pound piece of equipment to a 200,000-pound turbojet has less of a proportional effect on the payload than adding it to a 17,000-pound regional aircraft.

The economics of commercial operation is obviously affected by reduction in payload capacity, and what may appear to be a rather modest requirement for equipage could result in some aircraft no longer meeting their revenue potential and being removed from service.

There is a new piece of equipment which has a potential of replacing others and thus reducing the current equipment weight and that is the technology associated with a Global Positioning System, or GPS. Administrator Hinson discussed this earlier.

GPS holds great promise, some of which is currently being achieved for improving both en route and terminal navigation and for making precision approaches to runways independent of the usual ground-based systems.

Mr. Chairman, I know that you are very well informed on this subject, as are many others, partly as a result of the well-timed hearing you held here last year.

Regional airline accidents have declined over the years, both this numbers of accidents and rates per 100,000 departures. For Part 135 carriers, the rate of accidents per 100,000 departures over the past 10 years is less than one-third of the rate of the previous 10 years. And even within the last 10-year period, the five-year period ending in 1993 had an accident rate that was 20 percent lower than the first five years of this decade.

The improved numbers and rates are encouraging. However, there is not an acceptable rate or acceptable number of accidents. The regional airlines and others within the aviation community are committed to improve regional aviation safety and reduce the numbers even further in the near term.

The subject of this hearing is the adequacy of commuter airline safety. Are commuters and regional airlines safe? The answer is yes. Should we continue our efforts to make them safer? The answer is yes. Our test, then, is to identify what specific actions the aviation community—that is the airlines, the FAA, the aviation unions, this committee and others—should take to make safety improvements.

We must examine closely what actions, including equipment, training and procedural changes, we have embraced to determine their contribution to safety and identify what elements need to be changed or augmented to realize reduced numbers of incidents and accidents. We, as a community, must make these determinations carefully and accurately so that we can apply the resources we have to achieve the safety objectives we envision.

A few comments on some earlier statements in the hearing.

It was properly noted that RAA was the body that petitioned the FAA for an adoption of Part 121 training, and we are pleased that the FAA accepted that petition, look forward to their issuance of a requirement. And they should not have any difficulty achieving that.

You made some references earlier, Mr. Chairman, on crew resource management, the benefits of that. Last year, the Regional Airline Association hosted a two-day seminar on CRM. It was attended by about 85 persons representing between 50 and 70 of our regionals. It was very well received. They are very enthusiastic about the concept. We are pleased with the response we got to that and should also note that FAA supported that effort, and we are pleased with that also.

The RAA training committee supports the use of simulators and is pursuing that, and we have initiated another aspect of that because of the extensive use of simulators by the larger air carriers, RAA has placed a member of their training committee on the training committee of the Air Transport Association, and the Air Transport Association has a representative sitting in on RAA meetings.

And under Chairman Vogt's comments on their initiative, we support and will certainly add whatever we can to the NTSB study they enumerated for you, including the examination of pilot qualifications, maintenance procedures, FAA oversight and other issues.

Mr. Chairman, we look forward to working with you, with Administrator Hinson, with Chairman Vogt and others, to achieve continued improvements in regional and commuter airline safety. Thank you.

Mr. OBERSTAR. Thank you very much for your testimony, Mr. Coleman, and for the details which you have supplied with your presentation.

The question is not whether regional carriers are unsafe. I think all acknowledge that aviation is still the safest means of travel. The question at hand is the margin of safety and how much more we can do to improve the record of safety in this growing sector that is moving at a pace of growth faster than that of the major airline carriers, a tribute to deregulation, to the imagination of those entrepreneurs who have entered this field, who have seen opportunities and developed them.

It is also a product of carriers—major carriers—developing a hub-and-spoke concept of air travel, marshalling their resources of people, money, aircraft, at a few cities and bringing passengers in from outlying areas. That, in a sense, shifts the focus of responsibility to the smaller carriers to upgrade their operations.

And you have noted the number of regional carriers that have moved to larger aircraft and more sophisticated type aircraft.

The question I would like to ask about the regional airline petition in December, 1991, was what motivated RAA to ask FAA to give it the permission to train pilots to 121 standard?

Mr. COLEMAN. You may recall, Mr. Chairman, that then Administrator McArtor had concerns about pilot crew performance in 1987, following a series of incidents that were primarily associated with turbojet operations.

And, as a result of that, a group was formed called the Joint Government Industry Task Force on Flight Group Performance. I, in fact, was with the Air Transport Association at the time and was a part of that group. They met all through that fall and into the spring. And there was a lot of examination—a considerable examination was done of training requirements.

That group, by the way, included airlines, NTSB, large carriers, regional carriers. And out of that there was a determination that there was some concerns about the quality of training and how it was done under Part 135. And from that grew a desire on the part of the regionals to pursue a higher level of training, which subsequently generated the petition.

Mr. OBERSTAR. Is your concern that cockpit crews really needed more training? They needed a higher level of training?

Mr. COLEMAN. It was a concern that examining, how the training was done under Part 135 and how it was done under Part 121, that Part 121 had moved ahead and was becoming more sophisticated. And there was an agreement that perhaps training wasn't as good as it could be, although it was adequate, and we should learn some things from how Part 121 was done and go in that direction.

Mr. OBERSTAR. How many of your 70 or so members actually moved on that permission by FAA to train to higher standards?

Mr. COLEMAN. I do not have a number on that. I suspect that all the ones who do operate both under 121 and 135, which is a fair number of ours who operate aircraft with 30 seats or fewer and 31 or more, use a single standard. But some of the ones who operate solely 135 have gone to 121 training, but I don't have a number.

If the Chairman would like that, we could certainly poll our group.

Mr. OBERSTAR. Well, it may be moot, because in a short time— I wouldn't want you to go through all that trouble. In a short time——

Mr. COLEMAN. Might take me four months to get the answer, and it might be over by then.

Mr. OBERSTAR. Yes, that is my point.

Do you have any idea of how many of your non—the 55 or so nonmember carriers moved in that direction?

Mr. COLEMAN. No, sir, I do not. Most of the members who are not part of RAA—there is about 30 Alaskan carriers. They have their own trade association, as you know. And most of the others in the United States in the lower 48 are rather small, so I would suspect not too many.

Mr. OBERSTAR. What has taken so long for FAA to move after your industry said let us move to this higher level of or more exacting level of training? Why have they taken two years to get where they are now?

Mr. COLEMAN. It is often a question we have on some aspects of the regulatory process where we feel that the FAA and the industry, those who would make comments, are in agreement. I presume it is only just administrative burden. You may have gotten a similar answer from the Administrator.

Mr. OBERSTAR. Have there been cross-petitions filed? Have there been lawsuits in the process? Typically, that is what happens in this FAA regulatory maze, it is either petitions, cross-petitions, lawsuits or other procedural steps that cause delay.

Mr. COLEMAN. I am unaware of any procedural steps that would have given the FAA pause.

Mr. OBERSTAR. You don't know any who objected to training to higher?

Mr. COLEMAN. None of ours object. I think some are more enthusiastic than others, but none object.

Mr. OBERSTAR. And those carriers that operate both Part 121 and 135 aircraft would certainly, for training purposes, want to have a single standard of training?

Mr. COLEMAN. They are virtually there now. I think they may be some of the ones who have applied for the exemption and received it.

Mr. OBERSTAR. To me, it is exasperating that this has dragged on so long, despite our pressing and pushing the FAA. But there seems to be a new spirit of cooperation in the FAA with the new Administrator.

The current administration has asked for industry comments on the three regulations you would like to see modified or repealed. What has RAA submitted?

Mr. COLEMAN. We haven't completed that list yet. You may recall that under previous administrators we had a similar question, and they were rather inundated with several promotions for getting rid of regulations. We would like to—we are dealing with or talking to our members now. We would like to give them a very disciplined three-item list in compliance with their request, but I suspect we will identify areas that we think have just been superseded by events, and they just are not—they have nothing to do with safety, but they perhaps are a burden.

I must say that if—we will probably see how the DOT alcohol and drug rule goes, but I rather suspect that we will hear from many of our members a question as to the difficulty and the long procedure we have to go through to get the drug rule reduced to 25 percent. There are many who think that could be 10.

And there is a profound lack of enthusiasm or support for the alcohol testing rule. It is hard for us to measure how that is going to benefit safety, considering the costs and administrative tasks it imposes.

Mr. OBERSTAR. I don't want to put words in your mouth, but are you suggesting that the regulations that your association members would like to see changed or repealed do not relate to safety?

Mr. COLEMAN. If they have a relation to safety, I think any amendment to them would not affect safety. It might affect somehow they are applied, but no one would propose that we change a rule that would generally be perceived as reducing safety.

Mr. OBERSTAR. Now, you described the significance of new equipment being required on aircraft. And you make a comparison of adding a 40-pound piece of equipment to an aircraft with a 200,000-pound payload and that of a 17,000-pound aircraft. Now, granted there is a proportional difference. If it is safety equipment—and I don't know what 40-pound piece of equipment you have in mind—but if it is safety, does it really make any difference?

Mr. COLEMAN. You recall that when we do cost-benefit tests, which the FAA is obliged to do, they must look at what is this going to do for safety and what is it going to cost to install it and what effect is that going to have on prices and the cost of providing travel. It is conceivable that if there were enough equipment applied to go on the small aircraft and reduction in payload that that aircraft would no longer be able to operate economically.

Now earlier a statement was said—and I don't believe it was yours—that there is no competition here. If people—if everyone had to do the same thing, they would all be competing at the same level.

But, in fact, with the average stage length of 200 miles, a lot of regional aircraft are competing with travel by automobile. And, in fact, we could easily price the cost of that travel to a point where people would not fly on regional aircraft because they couldn't afford it, and they would go by automobile.

From a safety viewpoint, I am not sure that is a plus.

Mr. OBERSTAR. Well, you haven't answered my question. And the question is, what 40-pound piece of equipment did you have in mind and is it safety related? And if it is safety related, does it make any difference?

Mr. COLEMAN. I think we have to look at each piece of equipment and see where is the safety benefit and does it justify what it is going to cost to operate it. We do not put every piece of safety equipment that someone conceives of on the airplane. It is examined carefully to decide does it, in fact, have a payoff. Will it improve safety?

Mr. OBERSTAR. Well, certainly Ground Proximity Warning Systems improve safety.

Mr. COLEMAN. We are not arguing with ground prox. It has been proven.

Mr. OBERSTAR. Why is the industry delaying so long as a whole—without reference to any individual carriers who may be accelerating their program. But, clearly, the report of NTSB and that of FAA is that the—as a whole, the industry is waiting almost until the last moment to install that equipment.

Mr. COLEMAN. I think the industry does view some equipment as a due date as to when they are going to have it on, but I don't know that the industry as a whole has not installed it. I would feel certain that with an April, 1994, due date that there are a lot of aircraft out there with ground prox on, and the pilots have been trained and operating. I think that this example that we have, that a carrier might have had it and didn't, may not be representative.

Mr. OBERSTAR. Mr. Clinger.

Mr. CLINGER. Thank you, Mr. Chairman.

I apologize, Mr. Coleman, for not having been here to hear your testimony in person. I have had a chance to review it. If you have responded to any questions I will ask you, just indicate so because they will be on the record.

Mr. COLEMAN. Thank you.

Mr. CLINGER. You highlight in your testimony the growing similarity between Parts 121 and 135 with regard to things like voice and data recorders and ground prox, et cetera. What are the principal differences at the present time between the two parts?

Mr. COLEMAN. I think they have been mostly been cited earlier in the testimony, but the requirement for a dispatcher is certainly one, and I suspect you will hear something about that later in the afternoon. There are some differences in flight time regulations, and there are some differences in training, although those differences have narrowed quite a bit.

Under maintenance, the—there is hardly any difference between how aircraft are inspected and maintained between Part 135 and 121, which I think is a critical element of why 135 has become so much closer to 121. And there are very few procedural changes, too. But I—under flight time and the requirement for a dispatcher are probably two of the more significant ones.

Mr. CLINGER. If you can look back to 10 years ago as to the quality or the qualifications and the experience of pilots coming into your industry compared with where you are today, is there any change in that level of experience that you see over the 10-year span?

Mr. COLEMAN. I think 10 years is a good measure, yes. I would say that the high demand for pilots in the early through the mid-1980s by the large carriers meant that the qualified pilots were clearly—had opportunities to go with the larger carriers.

The reduction in the hiring on the part of the larger carriers has produced quite a substantial pool of very highly qualified pilots. Part of that, tragically, has come from the shutdown of some large carriers a couple of years ago. It has also come from result of military pilots and early out.

But when speaking to our member carriers and talking about the qualifications of the people they are looking at coming through the door as far as hours and type of experience, I think we are looking at very highly qualified candidates who are applying for jobs with the regional carriers.

Mr. CLINGER. So, at the present time, the competition from the majors raiding you for personnel is not nearly as intense as it was a few years ago?

Mr. COLEMAN. No, sir, it is nothing like it was.

And I participated in the study that General Tallman did on the blue ribbon panel on pilot demand and supply, and the results from that were that we thought we had a very large pool of qualified pilots probably through 1996 or 1997, and there is some concerns about after that. But we will have to look at that when we get a little closer.

But the close examination of what was available out there for hiring for anyone who was looking for qualified pilots, they are quite, quite well-qualified.

Mr. CLINGER. Ten years ago, would you have relied heavily on former military pilots coming into the system or was that ever a major factor for you?

Mr. COLEMAN. Never a major factor, because I think most of them had the qualifications to go with a major carrier. There were some who were retired and got into regionals because it suited their lifestyle. But, for the most part, we were finding most of the regional pilots were coming up through a general aviation background.

Mr. CLINGER. Do you have many of your pilots who are over age 60?

Mr. COLEMAN. Not many, but there are. Yes, sir.

Mr. CLINGER. Do you think that is a problem?

Mr. COLEMAN. No, sir. I don't.

Mr. CLINGER. To what degree do regional airline companies rely on full motion simulators for pilot training, refresher training and check rides?

Mr. COLEMAN. Not a lot of our carriers have full motion simulators, but many of them either have them themselves or they have access to them through contract training.

But I would say that we are in the process—and we actually started a few months ago—of polling our members to find out both simulators and advanced training devices, because this is a question we have, too. But there is—a fair amount of the pilot population is going through simulator training at some point as part of their regional training, but nothing as extensive as the large air carriers who have them nearly all in-house.

Mr. CLINGER. Well, if we are going to bring Part 135 operators more into compliance with 121, it would seem to me that we are going to be moving more to a requirement in this regard. Is that going to cause a problem?

Mr. COLEMAN. I am not sure that is true. There is not a requirement now—I mean, all the simulator usage that has been embraced by the large air carriers has been voluntary. There has never been a requirement that you train in a simulator until the recent wind shear requirement that, if you are a turbojet operator, you must train for wind shear encounters in a simulator.

But aside from that requirement and the requirements that are associated with the Advanced Qualification Program that Tony Broderick spoke of, there is not a requirement to train in simulators.

They have been used by the carriers because they are recognized as very effective and efficient training tools since they don't make noise and they don't burn fuel and you don't need slots at airports and they are awfully safe and you can expose the pilots to a lot more training scenarios than you can in an airplane. But we don't—adopting Part 121 training doesn't necessarily mean we will be taking on a simulator requirement, because that does not exist under Part 121.

Mr. CLINGER. Later this afternoon ALPA will present testimony, and, in that, they suggest that all airports which receive scheduled service should be held to the same level of safety requirements as a major hub airport, such as runway marking, lighting and fire and rescue. And they go on to suggest that FAA provide the necessary funding to upgrade these small airports through the F&E or AIP accounts.

In your view, would doing that result in less accidents and fatalities suffered by regional airlines at smaller airports?

Mr. COLEMAN. Based on their history and I believe the testimony from Chairman Vogt, there doesn't seem to be an association with airport equipage and accident at the under—at the smaller airports. But I think it would be something to look at.

We certainly have learned a lot about airport markings and about some of the support at airports, and I think that we ought to examine—maybe there is a standard, at least, if not a high standard—there maybe ought to be a minimum standard that these airports should meet. But I suspect they meet them anywhere.

I think the greatest benefit we will get from comparing what some of these small airports are equipped with now and what they could be in the future would be if we can realize some of the precision approach landing capability we could get from the Global Positioning System. I think that holds some of the most promise of delivering an airplane right over the runway, end precisely lined up and at the proper attitude probably more than anything else we could do.

And I would certainly support FAA's pursuit of their GPS which we are very pleased with now.

Mr. CLINGER. At a relatively modest cost, I think.

Mr. COLEMAN. Extremely modest. And even one of those rare things, a relatively modest cost for we, the regulated, too.

Mr. CLINGER. Thank you.

Mr. OBERSTAR. At the last hearing we held on commuter airline safety issues, the FAA said that it was establishing a working group to develop a common understanding on flight and duty time and rest requirements to close, again, the gap between 121 and 135 operations. How is this group proceeding? Is it achieving that objective? What are your observations or your comments on it?

Mr. COLEMAN. The group was formed with pilot groups and representatives from the Regional Airline Association and the Air Transport Association and their member airlines and has met pretty often all through—met pretty often all through 1993.

As the discussions evolved, some issues that weren't originally charged to the group were raised and considered. And, ultimately, we—as Tony Broderick described to you, the airlines came up with a position and the pilot organizations came up with a position which they turned over to their chairman for consideration. The statement this morning that FAA was going to examine those and make a determination by June as to what they wanted that group to come up with, or by June they wanted the group to come up with something, is something I had not heard earlier.

I believe that all the groups involved with this—the Chairman and the NASA representative and the airlines and certainly the pilot unions—tried as well as they could to reach an agreement that they could present to the FAA as a point that they would want to see rulemaking proceed on. They didn't succeed in that, but I believe, for the most part, the major issues that were asked of them have been addressed, and I think that the FAA has something to work with from that group.

Mr. OBERSTAR. Are you familiar with the term out-station basing?

Mr. COLEMAN. Under various categories, yes, sir, I understand it.

Mr. OBERSTAR. It is a—it is a practice in the industry in which the carrier attempts to minimize overnight stays by cockpit crew and maximize one-day operations. But it also requires some relocation of cockpit crew from where they have been living to out-stations, stations out beyond the hub. We call it in Minnesota out–State—the fancy term is greater Minnesota—so as not to make us hicks from the sticks in the northern part of the State feel so bad about where we live. But we all know what that term means.

Mr. COLEMAN. I didn't think there was anything greater than Minnesota.

Mr. OBERSTAR. Not this time of the year. What is—what is the effect on crew in that—under that policy?

Mr. COLEMAN. Well, as Administrator Hinson said, that is a domicile assignment. And sometimes, even when I was flying for an airline, there was, obviously, some domiciles that were more attractive than others. There was much more demand for San Francisco than New York when I was flying. And I suspect there—but it has to do with individuals would like to be some places and others would not.

As far as a practical matter, these are business decisions made by the carrier. And the reason they do the out-base stationing, putting them at those places, is so they can get the people in that community to the hub early in the morning on the early morning flight and so they can also feed from the connector flight late in the evening to that out-community late in the evening so they can get the community or get the passengers to where they want to go.

So it is a functional decision on the part of the airline. And I—they would like to have the crews find wherever they are going to be based acceptable, and as they get seniority they can move to other bases through the bidding process.

I see it as a practical solution to meet the needs and demands of the traveling public, and there may be a time when it is not the place that the crews would like to live, but I think it is a practical solution and, after seniority, presumably they can move somewhere else.

Mr. OBERSTAR. One of the themes that keeps coming back is that of the economic burden of regulations in this heavily regulated industry. Where do you draw the line on economic burden and safety measure requirements by the FAA?

Mr. COLEMAN. It is certainly not a clean line.

But one of the points that was made by the National Commission to Ensure a Strong, Competitive Airline Industry was that, frequently, when a cost-benefit analysis and economic analysis is done of a regulatory requirement, it is looked at as a single event and what will this cost and is it an acceptable cost.

But, in fact, many of the rules and regulations for equipment or procedures have come down back to back. There has been a cumulative burden. And that cumulative burden, if it were looked at collectively, may not have been acceptable when one is determining is this a proper thing to be requiring. And it has had a significant effect on regional carriers just because—over the recent years—in the desire, and perhaps it is the proper one, to have them carry all this equipment, that it is a significant burden.

And there is a concern that some may not be able to provide—continue to provide service because they cannot charge a fee or a fare that they can recover.

Mr. OBERSTAR. Yes, in your statement you compare the 200,000-pound payload and 17,000-pound payload. Loading up such aircraft may get you to the point where it is uneconomical to operate that aircraft. But for 40 pounds, I think you can probably remove some of the slick paper publications that are on board the aircraft and accommodate the 40 pounds.

But that is going to be a continuing point of—not controversy—at least discussion between FAA and your member carriers.

Do you believe that Part 135 carriers can achieve a safety record that is the equivalent of that of the 121 carriers? And, secondly, if so, what are the—what are the steps you would like to see or do you think would be the most beneficial to be made toward that objective, in either equipment or crew matters?

Mr. COLEMAN. The first answer is yes, I would—I think it would be inappropriate for any 135 operator or anybody representing the 135 operators not to believe that we couldn't achieve the level that the large operators have. And they are to be commended for their performance over the past 22 months or so. It has been a tough effort. They have done a very nice job.

They have also achieved these zero accident periods earlier and then had some other accident tough years. I hope that we are on a long one for them now.

I think that both what the Administrator and the Chairman of the NTSB said about human factors is where we can find our greatest reward. And I think that the use of the further embracing of CRM and the enthusiastic response it has had within the regional airline industry, the fact that some of the regionals are moving towards this new training program called AQP, are all encouraging signs that we can get our arms around some of the CRM and human factors issues, since they do have involvement in such a high majority of aviation accidents and certainly not restricted to regionals. They are in both regionals and in the large air carriers, as you have heard when you listened to John Lauber speak about it.

Mr. OBERSTAR. And as for equipment, are there any—besides that which is already in the rulemaking process or completed rulemaking process and required of the carriers, what other equipment besides, well, global positioning satellite? Any other?

Mr. COLEMAN. I am not aware. I think GPS in several manifestations will do an awful lot, including the—although Tony Broderick didn't refer to it that way when the question arose about the quality of TCAS–1 versus TCAS–2, and he is sort of looking to something beyond that, which he has characterized as TCAS–4 which uses GPS. There is a lot to be said. If we look at our accidents that are associated with situational awareness, where are we relative to where we should be as far as the runway end or altitude—certainly the last three or four accidents that I can look back on, if the crew would have known precisely where they were relative to where the runway was and the altitude—and that could have been provided by GPS—I think that sort of thing holds a tremendous promise for preventing that kind of accident. It gives the crew a very technical and easy-to-use, we hope, tool.

Mr. OBERSTAR. I want to conclude on that point.

I think you are quite right about what the crew—the information the crew needs at critical times in the operation. And the two most critical are takeoff and landing.

In the tragedy at Hibbing, reading the transcript—I didn't listen to the tape—but reading the transcript and comparing that transcript to many others that I have read, clearly, that crew had no idea they were about to crash. They were doing everything they thought was appropriate and yet they crashed.

And I don't know that global positioning satellite would have made a difference, but I am quite convinced that the advanced technology of ground proximity warning that overrides the aircraft positioning—flaps down, wheels down, ready for approach, the system says you may be ready, but you are still making a mistake, ground is coming faster than you think—that that could have saved lives.

Mr. COLEMAN. I think so, too.

Mr. OBERSTAR. Thank you.

Mr. Clinger.

Mr. CLINGER. Thank you, Mr. Chairman.

I just have one further inquiry of Mr. Coleman.

We have heard allusions to about 280, give or take, regional airlines operating domestically at the present time?

Mr. COLEMAN. Actually, the number that the Administrator used was 140, but we think it is about 125. But we get our figures from the FAA, so——

Mr. CLINGER. Of those 125 or whatever the figure may be, are most of them members of your association?

Mr. COLEMAN. Seventy are, but because they are the larger ones for the most part. They fly 93 percent of the revenue passenger miles. So RAA, I think, is representative of, for the most part, the regional carriers.

There is—the Alaska Air Carrier Association has another 30. So that takes you up to about a hundred.

Mr. CLINGER. Right. Do you sense that there is a great disparity in terms of quality of safety preparation amongst the 130 or 140 carries?

Mr. COLEMAN. I sense very little disparity.

I think that anyone who operates an air transportation system knows that if they don't operate safely or aren't perceived as operating safely, then people are not going to use them to get from point to point. And I think there is very little difference.

But there are clearly some who are more sophisticated in how they apply it, but some who are smaller, less sophisticated, but just as attentive to safety.

Mr. CLINGER. An allusion was made this morning to fly-by-night operations—no pun intended—that you don't have a serious problem with irresponsible operators?

Mr. COLEMAN. No, sir. I think scheduled air carriers who are in service providing it could never be characterized as fly by night. You can't fly by night under the term, using it in a pejorative way, and provide a scheduled service that people will buy.

Mr. CLINGER. Thank you.

Mr. OBERSTAR. Thank you very much, Mr. Coleman. We appreciate your participation in our hearing, and we look forward to your continued efforts within the industry to work toward a grander margin of safety.

Mr. COLEMAN. Thank you, Mr. Chairman. Thank you.

Mr. OBERSTAR. Our next witnesses are the members of the Air Line Pilots Association: Captain J. Randolph Babbitt, Captain Linda Nalwalk and Captain Stephen Ormsbee.

Captain Babbitt, we are glad to have you once again for our hearing.

I would like to compliment you also on bringing a female pilot, of whom there are increasing numbers on board aircraft these days. And a great deal of progress has been made over my years of flying when, all too often, the female pilot on a commuter aircraft checked your ticket, gave you the seat assignment, stamped, picked up the luggage, jumped over the counter and said, follow me to the aircraft. Now they are being treated like pilots, not multipurpose airline personnel, and we are glad to see that your association recognizes their appropriate status.

Mr. BABBITT. Thank you.

Mr. OBERSTAR. Please proceed.

TESTIMONY OF CAPT. J. RANDOLPH BABBITT, PRESIDENT, AIR LINE PILOTS ASSOCIATION: CAPT. LINDA NALWALK, CHAIRMAN, ALPA PRESIDENTIAL COMMITTEE FOR ONE LEVEL OF SAFETY, ATLANTIC COAST AIRLINES; AND CAPT. STEPHEN ORMSBEE, ALPA REGIONAL AIRLINE COMMITTEE

Mr. BABBITT. All right, sir.

Well, I appreciate your kind introduction and the acknowledgment. Some 7 percent of our membership today is represented by female aviators, and a good number of those are now captains.

I am here today representing the Air Line Pilots Association, and ALPA represents the interest of 42,000 airline pilots at 36 different airlines. 6,100 of those pilots are in service to regional carriers—to the 22 carriers that we represent. So we all very much appreciate the opportunity to appear before you today to discuss these very important issues of the commuter airline industry safety.

I am accompanied today by Captain Linda Nalwalk. Captain Nalwalk is the Chairman of our Presidential Committee for One Level of Safety. Also with me is Captain Stephen Ormsbee, and Captain Ormsbee is the Chairman of our ALPA's Regional Airline Committee.

At the present time, there are two safety standards in existence in the operation of our scheduled air carriers. Those that fly airplanes with more than 30 seats operate under Federal Aviation Regulation Part 121, the highest level of safety. Those carriers that fly planes with 30 seats or fewer operate under Part 135, a lower level of safety.

In the area of airworthiness, again, two safety standards exist: FAR Part 25, the highest level of airworthiness certification for large aircraft, and under Part 23 a lower level of certification exists for smaller aircraft.

Mr. Chairman, this two-tier level of safety standards in this industry is simply unacceptable. ALPA's goal is regulatory uniformity. Simply put, all airline operators should be covered by the same set of rules.

The American public, I believe, would be outraged if we prescribed two different sets of operating rules and safety equipment for automobiles, the highest standards being reserved for big luxury sedans and a lesser standard imposed on compact cars. But that is exactly what we have today in the airline industry.

There have been sporadic efforts by the FAA and the regional airlines to upgrade the various appropriate safety rules in this segment of the industry, but patchwork safety regulation isn't enough. All areas of air safety are equally important, and we need regulatory uniformity. The only acceptable solution that we can see is a comprehensive review of all regulations in order to bring all regional airlines up to the same safety standards as the larger airlines.

It is true that some regional airlines already adhere to the stricter rules, either voluntarily or because they operate aircraft that are subject to the higher standards. And that, in itself, is encouraging news because it does show that the FAA and the industry realize the disparity in safety is distressing.

However, until the FAA mandates higher safety standards for all regional airlines, the regionals that, quote, do the right thing voluntarily, unquote, will remain at a competitive disadvantage. And, for these reasons, we call for regulatory uniformity.

John Fredrickson, the past President of the Regional Airline Association, told this very committee two years ago that, unlike the Part 135 operators, quote, the Part 121 commuter operators have a safety record that is truly enviable. They have not lost a passenger in nine years, end of quote.

Well, what better argument can I bring here to eliminate the disparity between 135 and 121 than Fredrickson's own statement itself?

The question of whether regional carriers could afford higher standards is a reasonable question. But the more important question is, can we afford for them not to? Clearly, the health of the regional airline industry is such that it can afford the necessary safety improvements.

And I would like to, if I could, spend just a little time to review some of the specific areas where safety standards still are dramatically different.

The most alarming comparisons between Parts 121 and 135 operations can be found in accident statistics. Since 1983, there were 43 percent more fatal accidents for Part 135 carriers than Part 121. ALPA attributes this safety disparity to the inadequacies that are found in Part 135.

For example, for solely financial reasons some operators have removed a few seats from aircraft that used to be operated under Part 121. That was the highest safety standard. These aircraft are now allowed to be operated under Part 135 so that the operators don't have to hire FAA-licensed dispatchers and install and maintain collision avoidance equipment. Regulatory uniformity would eliminate this economic disincentive to safety.

Another area of concern is flight dispatch. Flight planning today is very complex. It includes checking weather, determining alternate airports, checking the condition of all facilities, computing fuel loads, determining maximum takeoff weights.

Under Part 121, a dispatcher is required to assist the pilot in its flight planning and, more importantly, share the responsibility for the safe conduct of that flight. Dispatchers also monitor the changing weather and airport conditions and advise pilots en route of any significant changes so that the crew has current information upon which to make critical decisions.

This contrasts with the flight under Part 135 where the responsibility for this complex planning rests solely on the pilot, and no one advises them of any changes of weather or any other conditions once they are en route.

The new deicing rule for Part 121 operators requires a continuous training program for all—and I emphasize all—personnel involved in the deicing process. The new rule for Part 135 requires training for the pilots only.

One of the more critical safety issues in today's commuter and regional airline environment is crew fatigue. Crew flight and duty time regulations for Part 135 operators are less stringent than those found in Part 121.

I discussed our views on flight crew fatigue issues in great detail when I testified before this very committee almost two years ago, back on March 17th of 1992. And I would refer you to that hearing for details on the crew fatigue issue, and I would also point out that, despite the strong support we received from this committee, the regulations today remain unchanged.

I was heartened to hear a little bit earlier today that the Administrator of the FAA, Mr. Hinson, has indicated that he is going to put an arbitrary deadline down—that if this rulemaking process cannot produce a rule that he is going to put an arbitrary deadline down of June of 1994. And that was heartening to hear.

But, unfortunately, that means the beginning of the regulatory process within the FAA, and it also means we are probably about a year and a half away from a regulation that this committee wanted to see put in force two years ago. So, at best, I could be optimistic on those encouraging words to have a rule three and a half years after the committee wished it.

Mr. OBERSTAR. Captain, let me interrupt at that point and assure you that with this new Administration and the new spirit and attitude at the FAA, that this Committee is going to keep a blowtorch to their behinds to stay on schedule.

Mr. BABBITT. I very much appreciate that, Mr. Chairman.

With regard to the airworthiness certification, Part 25 is the highest level of certification for large aircraft, and it requires that an aircraft be able to accelerate from a standing start to takeoff speed and then come to a complete stop while remaining on the runway—for example, in the event of an aborted takeoff.

Part 23 is a lower level of airworthiness certification for smaller aircraft. Now some of the aircraft certified prior to 1987 under Part 23 are allowed to operate in Part 135 operations, to continue off the end of the runway at 35 miles per hour, and this is commonly referred to as the soft crash concept. This is a great concept, except it may not work if off-the-end-of-the-runway happens to be the Potomac River at National Airport or Long Island Sound in LaGuardia.

Operating under Part 121, Part 25 aircraft are required to meet stringent obstacle clearance requirements should an engine fail. Some Part 23 aircraft operated under Part 135 are required only to maintain a positive rate of climb. Well, in lay terms, this means that you might have to rely on the curvature of the earth to help you avoid obstacles!

There are even differences in the area of collision avoidance standards. TCAS–2, the latest standard in collision avoidance equipment, was required on all 121 aircraft by December of 1993. For 135 operators, TCAS installation requirements were delayed until February, 1995, and then the only requirement was TCAS–1, which is a simple and inferior system.

I understand from earlier testimony today the FAA is going to delay even the TCAS–1 installation by an additional two years.

Our goal of regulatory uniformity also requires changes to FAR Part 139, airport certification. I am sure that the traveling public would be shocked to know that they are riding on air carriers into airports that aren't certified by the FAA whatsoever. And as the major airlines continue to withdraw jets from the short-haul markets, more and more opportunities will be presented to regional airlines.

Total enplanements in 1992 increased by 11.9 percent over those in 1991, to 45.1 million passengers, and revenue passenger miles increased by 17.8 percent to 8.6 billion revenue passenger miles. By all indications, the regional airline industry is projected to grow over the next two decades as much as 40 percent more than the majors.

Mr. Chairman, the time has long passed for passengers to be able to travel on any airline in this country with the confidence that the standard of safety is the highest that it can be. The FAA has tried a variety of ways——

Mr. OBERSTAR. Captain Babbitt, I am sorry. I am going to have to interrupt you there.

We have just a little under six minutes remaining on this vote. We will have to vote. This will be followed by possibly a second recorded vote, so we may have a delay of as much as 20 minutes. And I am sorry to interrupt you there, but we have to suspend.

Mr. BABBITT. I understand.

[Recess.]

Mr. OBERSTAR. The subcommittee will resume its sitting.

Captain Babbitt, happy to have you resume your presentation.

Mr. BABBITT. All right, sir, thank you. I appreciate having to take a break there for a vote.

At this point, we are approaching the end of my testimony, so I was making the point that I believe the time has long passed for passengers to be able to travel on any airline in our country with the confidence that the standard of safety is always going to be the highest that it can be.

We were mentioning that the FAA has tried to correct the situation for three decades now, and invariably we seem to run in or they seem to run into industry opposition, problems with bureaucratic rulemaking requirements.

I think the FAA deserves the full backing of Congress and the encouragement of Congress in order to make these changes. If necessary, Congress should consider changes to the rulemaking process itself and the environment under which the FAA operates. Congress will have an opportunity to make these changes when it considers the recommendations of the National Airline Commission this year.

To accomplish the goal of regulatory uniformity, requiring all scheduled air carrier operators to comply with Part 121 and Part 25, we have established an ALPA committee of One Level of Safety, of which Captain Nalwalk is the Chairman. One of the first tasks that that committee has is to issue an up-to-date comparison of Part 135 versus Part 121 and Part 23 versus Part 25 by early next month.

Mr. Chairman, I will gladly provide this comparison to you or any Member of your committee that requests it.

ALPA recommends that Congress encourage the FAA to adopt regulations requiring that all scheduled air carrier operations and airports adhere to a single standard of safety and to conduct an overall review of both operating and certification standards and to take immediate action to upgrade crew training requirements.

In closing, let me say that to ignore this disparity in safety standards flies in the face of our historical commitment to the highest level of airline safety.

Mr. Chairman, I thank you very much for this opportunity to testify today, and I and the pilots that I have with me would be happy to answer any questions that you or the committee might have. Thank you.

Mr. OBERSTAR. Thank you very much, Captain Babbitt. And, of course, your more extensive statement with the wealth of detail provided on several subject areas will be included in the record.

For the past two years, FAA has had a working group in operation to deal with the question of flight time and rest requirements. The issue is still—has still not come to closure. It certainly is long past time to bring that issue to rest, to close the gap between Parts 135 and 121.

Have you been involved or members of your organization been involved in those discussions? What are the obstacles? Why has it not been resolved? And what can be done here to settle the issue?

Mr. BABBITT. Well, I think—to answer the question at the beginning, yes, sir, we are, Mr. Chairman, involved. We have members of the Air Line Pilots Association involved in those regulatory review committees. To date, they have had, as was previously mentioned, a number of meetings. They are apart on some issues.

I would have to say, candidly and rather bluntly, that the issue that invariably keeps the parties from coming to an agreement always, unfortunately, seems to boil down to economics. On the one hand, as I said in my testimony, it does cost more to provide some margins, but what concerns me is people often tally those costs in dollar bills, and I fear that we may tally those costs in human lives.

Mr. OBERSTAR. What economics questions, what questions of cost are there involved in the matter of flight time and rest requirement?

Mr. BABBITT. Well, if crews are required to have more adequate rest—and I am certain that you are aware, but I would expand slightly to talk about what might be considered adequate rest. People have really no awareness of the type of flight time limitations that we are looking for. But—15 hours might seem reasonable as an academic discussion.

We have flight crews that go to work at 9 o'clock in the evening and at noontime the next day they are still on duty and still legal to fly and may have already flown seven or eight hours through the night. Yet they are still legal to continue on. If we stopped and thought about it, you wouldn't want anyone even making a simple decision. You wouldn't drive your own car under those conditions. Why would you want professional airline pilots who had been up that long to fly you anywhere?

And these are the types of things we try to bring into consideration, the human sides of this. That is an extremely tough obligation on someone out of their circadian rhythms to stay up all night and perform and possibly have to shoot very tight approaches at the end of all that. We ask people to bring that into balance.

Now, if we are going to provide shorter times, the airlines are concerned that they, in fact, might have to hire extra crews. That costs money. But I think in the long run it is money well spent.

Mr. OBERSTAR. Is that more of an issue for commuter airlines than for the Part 121 carriers?

Mr. BABBITT. It is an issue in the 121 operations. But over the years, through contract negotiations, what we have achieved is, within the agreements themselves. The large carriers for the most part already have all of those regulations within contractual context. In other words, they just adhere to them because they have agreed in the collective bargaining arena to do that.

Some of the regional carriers have some limits, but we think it is appropriate that we all have a level playing field.

It also eliminates some economic imbalance that one carrier—because, as I said earlier, one carrier who is, quote, doing the right thing, is at an economic disadvantage because someone is going to run right to the edge of the playing field and maybe even step out of the lines of what is required for rest and/or flight time maximums.

Mr. OBERSTAR. Well, the carriers typically say we do not compromise on safety. We do not weigh safety against economics. And then they start fudging by saying, well, there are some things that may cost more.

And then we had the 40-pound example, 40 pounds on a 200,000-pound aircraft versus a 17,000-pound aircraft. I think you can find the 40 pounds, throw it overboard, put the safety equipment on.

In what instances do you find safety taking a back seat to economics?

Mr. BABBITT. Well, I think it is fairly obvious in the example that we used. The safety requirements are being achieved by removing seats from aircraft.

Why would anybody remove 10 percent of the load-carrying capabilities of an aircraft? There must be an economic incentive there. There must be a financial reason to do that. So that they don't have to hire a flight dispatcher. So that they don't have to have the collision avoidance equipment.

But, again, those are—the 40-pound argument—I thought of the parallel, you know, a parachute weighs about 12 pounds, and it is awfully heavy if you never use it, but the one time you want it that 12 pounds is going to seem awfully light.

Mr. OBERSTAR. It certainly is.

Are you familiar with out-station basing? A practice that I described earlier.

Mr. BABBITT. Yes, sir.

Mr. OBERSTAR. How widespread is that in the industry? Perhaps Captain Nalwalk might want to discuss it or Captain Ormsbee—and its effect upon pilots and cockpit crew morale.

Mr. BABBITT. We are aware of it. We see carriers that have utilized it. And perhaps Steve would like to answer that.

Mr. ORMSBEE. The problem with the out-station or the domicile is that—where the pilots are removed from the hub—is that they are very small. And in order to progress through the company ranks, move up the seniority list, to advance to larger equipment, on a smaller carrier that has this type of out-station crew domiciling, you could be required to move five or six, seven times within a very short period of time, just a couple of years. And that is a very hard economic impact on the crew members and their families.

Mr. OBERSTAR. Does that have an effect on morale and on attitude toward your cockpit management?

Mr. ORMSBEE. Of course it does. It is hard then for people to focus and give the attention to the work that they might under better circumstances.

Mr. BABBITT. It sometimes gets complicated when it is not easy to move your whole family and sell a house in a three-month period, when you might move again. And what invariably happens is some period of time is allowed where the pilot might commute because he can't physically move that quickly, which just exacerbates the problem of crew fatigue.

Mr. OBERSTAR. Thank you. I will have more questions later.

Mr. Inhofe.

Mr. INHOFE. Thank you.

Captain Babbitt, it is nice to have you back, as usual. I wasn't here during all of your presentation, but I did see your statement that you submitted prior to this hearing. And I was also here this morning when Administrator Hinson was here, and he alluded to the upgrading of training.

What is the basic distinction between your Part 135 and your Part 121 training at this time? And when do you understand changes are going to take place?

Mr. BABBITT. I did not hear everything that the Administrator had to say. We can describe in some detail some of the differences, and I think Captain Ormsbee could probably help you there. Steve.

Mr. ORMSBEE. The primary differences between training for 135 carriers and 121 carriers, is that 121 carriers have to have an established curriculum for their training—and that is mandated by the regulations—whereas 135 is a trained proficiency. And the amount of time that is allotted can often be reduced for economic reasons and not increased to cover the safety margins.

Mr. INHOFE. Have you—this morning, I think it was, the Administrator talked about bringing the training almost into a parity.

And are you—did I understand you correctly, Captain Babbitt? You are supporting this?

Mr. BABBITT. Yes, sir. We would very much support it.

Mr. INHOFE. What is the approximate wage differential between the regionals and the majors?

Mr. BABBITT. Well, that is awfully hard to quantify, because they fly different-sized aircraft, and a lot of the pay scales are based on the equipment size. So if you had a regional carrier that was flying a large regional jet and compared that person's salary—that pilot's salary—to a large carrier flying one of their smallest pieces of equipment, the pay differential would be very narrow, might even be matched.

Mr. INHOFE. Yes, if we are talking about a DC–8 or 727 or 757 and then, on the other hand, a Saab, that is what I am talking about, somebody that would be more of a norm in the two carriers.

Mr. BABBITT. The pay disparity would be substantial, but so is the difference—again, being paid by a number of factors—the gross weight of the aircraft, the speed of the aircraft, its payload, all of those things plus seniority—you wind up—if the airplane was five times larger, you might wind up—and carried ten times as many people—I could make a guess that it might be double the salary. But that, again, is a function of the responsibility and the capability of the airplanes.

Mr. INHOFE. Would you anticipate or would it be ALPA's position if the training ended up being on a parity, that the wages should be closer to a parity, too?

Mr. BABBITT. No, sir. No. We negotiate based on those various parameters, all of the pilots, you know, in terms of skill levels and so forth. I guess we sometimes lose focus of what we are trying to, you know, get people to look at. What we are suggesting here is that the skill levels are there, and all the competence is there.

We need to make sure that the people in those aircraft have the training and the tools in the aircraft and the performance of the aircraft so that they can do the same kind of job and provide the safety levels that we think the American public and certainly the crew members operating those airplanes want to see.

Mr. INHOFE. Yes. Of course, the thrust of these hearings is on commuter safety. I understand that.

But I can't help but bring up the commuter economics, too, because I know that there is some—a lot of operators out there that are having a tough time right now, as many other industries are. And I just was wondering what position you would take if they did change some of the training levels.

Did you—it is my understanding that a lot of the commuters are training grounds for people who then go into the majors. That is an accurate statement, isn't it?

Mr. BABBITT. Well, probably 20 years ago it might have been more accurate when it was a much smaller industry. Today, the regional airline industry is a large industry, and we have, within ALPA alone 6,000—more than 6,000 pilots. It has become a place now where people make a career. They have, through a variety of negotiations and as the airlines have become more substantial, they don't just arrive and leave, we find people actually making careers.

And, as was pointed out earlier, some of the lifestyle choices. People prefer to live, you know, where their airline operation is, raise their kids in a smaller hub environment. And, you know, that is sort of——

Mr. INHOFE. Maybe I should direct the question to Captain Nalwalk and Captain Ormsbee, who—you are both pilots for the regional commuters?

Ms. NALWALK. Yes.

Mr. INHOFE. Do you want to move into a major?

Ms. NALWALK. I wouldn't mind moving to a major, but the regionals have certain benefits to them as far as living locally. You have maybe a better opportunity to get home more often. You don't necessarily have to commute. The communities you live in—you have more choices flying for a regional.

So it is not necessarily a required step, as long as the commuter—and, as Captain Babbitt was referring to, the commuters are now, commuter size airlines, are getting to a size where they can stay in their career decision, as opposed to maybe you will be out of a job in five years if something happens to a commuter.

It is now a career decision. You can stay at a regional airline, and you can get to where you have more seniority more quickly. You are also flying different aircraft more quickly at a regional level.

Mr. INHOFE. Would you care to add to that, Captain Ormsbee?

Mr. ORMSBEE. Yes, I would. As few as three or four years ago, pilots that continued to work and not progress on to major carriers might have been referred to as lifestyle pilots. But that is not true anymore. The majors are downsizing. The jobs just aren't there. The careers are at the regionals.

I am very fortunate to be working for what I consider a premier regional airline in this country. I would not trade my seniority—and that is what governs this industry—I would not trade my seniority and my position within my company to go anywhere else and start at the bottom.

Mr. INHOFE. Yes, well, that has been my observation, too. I guess I am the last active commercial pilot serving in Congress right now. The rest of them are gone. And so I do fly in the flight deck with you guys quite often.

It has been my experience, I want to tell you, that in my conversations they seem—you seem—to have at least as great a loyalty and interest and love for your job as they do in the majors and, actually, a closer fraternal feeling than many of the majors have.

And I was just in my own mind trying to sort this out as to where does safety leave off and economics come up, and you have been very helpful. Thank you very much.

Mr. OBERSTAR. I want to walk through a checklist of items from your testimony and like you to give us some brief responses on operational procedures, things—items there that you as an association, as pilots, would like to see changed to improve safety.

Mr. BABBITT. Overall in the 135 operation?

Mr. OBERSTAR. Yes.

Mr. BABBITT. Well, we highlighted a number of them. We can, you know, tick off whether it is in the crew training—we discussed that, you know, upgrading of the crew training, upgrading of the certification of the machines themselves.

This disparity that you can take a few seats out of an airplane and suddenly it doesn't have to have the same equipment anymore, that just doesn't make any sense in this day and age.

In terms of equipment in the airplane, we have talked about the Ground Proximity Warning Systems, we have talked about TCAS, we have talked about the idea of a dispatcher, and we can expand on that somewhat.

Mr. OBERSTAR. That is the next question.

That is the next question.

Mr. BABBITT. And I think Linda would like to add. She flies in a 135 operation. She has life experience, and perhaps you would like to add my list.

Ms. NALWALK. Both the operating requirements, dispatch being one of them, also the deicing regulations that we are coming under. What we are asking for if we operate under 121, all of that will be addressed. We will be upgraded.

But the equipment that we fly with, weather collision avoidance equipment, radar, ground proximity warning which we are now getting, but at a time frame later than the 121 carriers had it implemented.

Mr. OBERSTAR. What are the most important pieces of equipment to have on board 135 aircraft?

Ms. NALWALK. I think at this point, at least for the 121 carriers, they are equally important. They haven't asked which one do you want to remove from your aircraft. Through the history of the safety of the industry, it has been determined to be minimum equipment for a large aircraft, and it also should be minimum equipment for——

Mr. OBERSTAR. You want to see TCAS whether it is one, or two, or three, ground proximity warning systems. The more advanced of the two type or model and global positioning satellite.

Ms. NALWALK. We haven't gotten into that as much, but certainly if it is required equipment on a larger aircraft, it is equally required on a smaller aircraft.

Mr. OBERSTAR. It is not yet required, but it is coming technology.

Flight dispatch, should every regional commuter carrier have a flight dispatch office?

Mr. BABBITT. It is my strong opinion, yes, sir, they certainly should. As I outlined in my testimony, it is one thing to have joint responsibility, and I would ask both of the pilots here with me to comment on something that I am going to say.

If I were in dispatch as a major carrier and filling out my flight plan, I have to review the items that are pertinent to my flight, fuel load, the airports that I am going to choose for an alternate, and make some decisions.

And that has to be agreed with with the dispatcher. And the dispatcher may have some up-to-date information that he shares and we come to a consensual point that those discussions are between the two of us.

What we find in the regional industry, especially in the 135 operation, is that there is some very strong, but subtle economic pressure, and I don't want to put these pilots on the spot, but if the pilot said I have just looked at the weather and I am not convinced that my alternate site is good enough, I am going to put an extra 1,000 pounds of fuel on board or make a decision not to go.

At Hibbing, I know you are aware of the fact that one of the regional operations made a conscious decision to operate their 135 aircraft under the standard of 121 and they suspended operations several hours before the 135 accident happened. So there is this outside pressure. It is a double whammy.

And once en route, no one updates the 135 operator in the air. If Captain Nalwalk took off and 45 minutes into the flight someone had landed and had an accident at her airport of destination, and the weather has gone below at our alternate airport, no one is on the phone telling her that. No one is calling her en route to advise her of those facts. Only when she gets 30 or 45 miles from the airport does she find out.

That is unconscionable in my opinion. And, Linda, you should comment on the pressures that you might feel from the sole dispatch operation, and then we will let Steve answer.

Ms. NALWALK. I would agree that it is solely the pilot's decision whether to go or not to go, to evaluate the weather, the entire flight. And there is no one else to consult with as far as that is concerned.

In a dispatched operation they have access to more or different information as far as what is going on with the weather and a different picture, and the 135 pilot is required to get their own information and assimilate it, and evaluate it and analyze it, and make their decision from that. And they call in, ask—say this flight is not safe or I need to take three passengers off so I can take extra fuel. So a single individual is making that decision.

And so the pilot in a 135 operation is making up for that margin of safety that is already afforded a 121 pilot.

Mr. ORMSBEE. I have the distinct advantage of having flown thousands of hours in 135 and now 121. I enjoy all the benefits of flying with a dispatcher.

Something that needs to be addressed is the fact a dispatcher is a licensed representative of the FAA, just as a pilot is. They have a certificate. The burden or the responsibility for the conduct of a flight is shared, and it is a lot easier for me as a captain to focus on the status of my flight and my crew and the passengers that I am carrying, knowing that there is someone else constantly reviewing the weather for my destination and able to contact me in flight if there is any changes to that.

Mr. OBERSTAR. For all those reasons, flight dispatch offices should be standard operating equipment, to coin a phrase, although in a different context, with all carriers.

Mr. BABBITT. Yes, sir.

Mr. ORMSBEE. Mr. Chairman, in our two-crew environment on the airplane, the dispatcher is often referred to as the third crew member.

Mr. OBERSTAR. Well, certainly in the case of the Long Island crash of a South American carrier where there was not a flight dispatch office monitoring the fuel level of that aircraft and warning the tower when it was clear that the communication in the tower and the crew was not as it should be, they were just miscommunicating. You need that backup and we understand that.

On deicing, you suggest there should be a plan and training, and their ought to be pretakeoff procedure training for a crew. Anything further to add on that score?

Mr. BABBITT. The point of distinction between 135 deicing procedures and 121 is that everyone in the 121 environment has the education. They understand what the fluids do. They understand the limitation of the fluids. They have had some education as to where to look for even a modest amount of ice. You don't have to have any substantial ice. Just literally frost on the leading edge of a wing can dramatically alter its characteristics.

In the 121 operation the person who is applying these fluids to the aircraft has had some training. That is not true in the 135 operation. The only person who understands all of the components is the pilot. And, of course, the pilot is inside the aircraft and physically unable in some instances to get out and go see what kind of deicing job was done.

Mr. OBERSTAR. Does that include, also, the training and maybe simulator experience in the matter we discussed earlier in this hearing of an aircraft on approach, descending very rapidly through the cloud formations and atmospheric conditions that contribute to icing?

Are there training procedures that guide pilots in how to accomplish that maneuver and what to expect when you have come through the cloud formation on approach at a very high rate of descent?

Mr. BABBITT. Let me give you a surface answer first. Part of FAA training, part of having a certificate, part of having an air transport license to be an ATP would require some knowledge of that.

Now, the carriers themselves expand to some degree part of their line-oriented flight training. You go through all the various components. What is interesting, and I have had this drill, I have been involved in it myself in simulators, where you purposefully ice the airplane and simulate ice on the aircraft to show you the deterioration of performance.

Unfortunately if you are not doing training in simulators, you can't simulate that and no one in their right mind would go up in the air and produce it in a live environment. I would ask Captain Ormsbee to comment on the type of training, whether it would include those types of procedures.

Mr. ORMSBEE. The training for a 121 carrier, my carrier, does include that. If it is not conducted in a simulator, it is conducted in the ground school. Again, the difference between 121 and 135, 135 trains to proficiency. My ground school in a 121 recurrent situation might last for a couple of days.

Meeting the letter of the law under 135, a recurrent ground school could last a day and your ability to focus on and give the attention that is required for a number of these issues is diminished.

Mr. OBERSTAR. Do you also think they work to the minimum and not to the maximum in the 135 environment?

Mr. ORMSBEE. They work to the letter of the law. They are as safe as they are required to be.

Mr. OBERSTAR. And that is a minimum, not less than this is the FAA requirement.

Mr. ORMSBEE. Correct.

Mr. OBERSTAR. It doesn't mean you can't do more than.

Mr. ORMSBEE. No, it doesn't, and that is why a number of regional 135 operators are now training to 121 standards. 135 does not have any caveats for training in a simulator, so right now a 135 operator who wants to train using simulators, they have got to get a waiver from the FAA to conduct their training to 121 standards.

Mr. OBERSTAR. Prior experience and training is another area that you cite in your testimony. Crew experience is also a problem and NTSB has cited in commuter airline safety.

What are your specific recommendations there about regulatory steps to bring the two procedures closer together or eliminate the differences altogether?

Mr. BABBITT. I was encouraged to hear that steps are under way at the NTSB to undertake a review. I would be very anxious to both offer them some information we have and hopefully that will inspire more than just advisory circulars in terms of crew pairing and crew experience and so forth.

Again, the training—the crews come with the inherent knowledge. I guess the idea that if we train crews properly and give them the proper tools, they are going to be able to do the job and produce the level of safety in the air that we want.

And that is more a function of the training, the quality of the training that they get, and the duration. Anything we can do to enhance that and expand it, is always in the best interest of safety.

Mr. OBERSTAR. Let me read from a report from an accident report. A captain received a three-day suspension for negative reports on his performance, including starting an engine without proper verification from the ramp agent while another agent was standing near the prop, accepting an aircraft when the air cycle machine shroud had not been reinstalled by maintenance, delaying start of a flight to finish breakfast, destroying a cargo load report with which he was unhappy, sleeping in the cockpit during a flight, declining to fly an unpressurized aircraft.

How would you characterize that captain?

Mr. BABBITT. It certainly wasn't an ALPA member.

Not knowing the details involved here, it is difficult to comment. That is not a very flattering series of reports, and those are always difficult. There are parameters and operating procedures and pilots are expected to follow those.

We, within ALPA, strive for the highest levels of safety at every point. Ironically some of the very disciplined in terms of getting training and doing these things comes from within the cockpit, the self-policing.

We have, as a major part of the Air Line Pilots Association, we have at every carrier groups known as professional standards, and when a pilot flies with another pilot who he thinks has perhaps become lax in his cockpit procedures, he doesn't have to turn him into the company. He doesn't have to subject this pilot to discipline.

There is a much stronger force at hand and that is his peers. And it has been terribly effective over the years and I would hope in that particular case that, you know, that process was tried. I can't—not knowing, I could take several of those and say not flying an unpressurized aircraft, I might not either. I don't know what the weather was. You can only go to 10,000 feet unpressurized with passengers. If there was mountainous terrain, that doesn't leave you much to play with. Weather that I wanted to top at 15,000 feet, you can't. There may have been circumstances surrounding that that I wouldn't want to get into.

Mr. OBERSTAR. The reason I cite those examples is that I think that they are parts of the crew experience, the training, the recurrent training for certification and the degree of the efforts put forth by the carrier and by the FAA to oversee the carrier to insist that those are the highest standards and that they are met, and that that kind of training is provided to the crew.

Should every commuter carrier have a safety office? And how many of them do?

Mr. BABBITT. I couldn't answer how many do, but I would certainly think they should and in terms within the FAA there are requirements.

Steve, you may want to comment.

Mr. ORMSBEE. I don't know.

Mr. BABBITT. That is the very reason why we put procedures like professional standards in place so that someone has a place to go, and we do try to work closely with the companies. We do try to bring out things, and most of our carriers, we try to have a periodic meeting and we have people identified within the regions and within the carrier itself that have safety responsibilities among the pilots. And part of their task is to articulate to the company in periodic meetings shortcomings that they see.

And I would have to say that more often than not, they are well received and they are also acted upon. The company, by the same token, brings things and says we would like to see the pilots use your mechanisms to circulate some things. What are your thoughts on this safety procedure. And this provides for a good harmonious interface and exchange and that, I think, is a very important component of a safe working environment.

Mr. OBERSTAR. Well, I think we have covered the highlights or the key points and certainly all the items that you have cited. Without going into further depth on aircraft certification and performance, such matters as one engine inoperative and the positive rate of climb, those are somewhat more technical than we need to cover.

But I am glad that you raised them because I think it is important for the FAA to include in its overall package for the regional commuter airline sector.

There seems to be a new spirit within the FAA, moving at least on the part of the administrators today, moving decisively, not allowing moss to grow, compressing the time schedules, the proof will be in the performance.

We are going to keep a very close eye on their performance from here on, as I know you will, as I know the public expects us all to do.

Mr. BABBITT. I am very encouraged. I would add also one of the reasons for that encouragement, the administrator has at his own request set up periodic meetings now with our safety structure, which is extensive.

We have a number of professionals that work for the Air Line Pilots Association, and literally thousands of safety volunteers that volunteer their time, just like the two captains that are with me today. They volunteer their time to make it a safer industry for, not only the people in the cockpit, but for the people that sit behind that cockpit.

And the administrator has set up periodic meetings because he wants to hear what our concerns are, and that is a very encouraging sign from my point of view.

Mr. OBERSTAR. May it last. And may he last. Thank you, very much.

Mr. BABBITT. Thank you, very much.

TESTIMONY OF MICHAEL NADON, PRESIDENT, AIRLINE DISPATCHERS FEDERATION, ACCOMPANIED BY BILL CRANOR, AIRLINE DISPATCHERS FEDERATION EXECUTIVE VICE-PRESIDENT, STEVE HORTON, ADF VICE-PRESIDENT, MIRO LEHKY, ADF VICE-PRESIDENT FOR REGIONAL AIRLINES, AND GILES O'KEEFFE ADF REGULATORY AND TRAINING SPECIALIST

Mr. OBERSTAR. Our next witness is Mr. Michael Nadon, President of the Airline Dispatchers Federation. Welcome, Mr. Nadon, we are glad to have you here. Please introduce your associates.

Mr. NADON. I am Mike Nadon, President of the Airline Dispatchers Federation. I have Miro Lehky, our Vice-President for Regional Airlines, Steve Horton, Vice-President, and Giles O'Keeffe, among other things, he is a regulatory and training specialist for the Airline Dispatchers Federation.

In the interest of brevity, if we could submit the written remarks.

Mr. OBERSTAR. Your testimony will be included in full in the record and you may summarize, if you wish.

Mr. NADON. The Airline Dispatchers Federation consists of 1,200 members working for 50 airlines in the United States. They are currently working as aircraft dispatchers, airlines operations managers, and other specialists.

The organization's main focus is airline safety with an emphasis on operational control, which is our expertise. Operational control, as defined in Part 1 of the Federal Aviation regulations with respect to a flight, means the exercise of the authority over initiating or conducting or terminating a flight.

Positive operational control is a phrase that means that each and every flight of an air carrier is operated under the joint responsibility of a pilot in command and a licensed aircraft dispatcher. The pilot in command and the aircraft dispatcher sign a legal document, a contract, which they jointly accept the responsibility for the safe operation of the flight. This all occurs under the regulation of Part 121, flight and domestic.

Once they have signed this contract specifying the operation to be performed, the parameters, alternates, fuel loads, routes of flight, the dispatcher briefs the captain, giving him information on weather—the fuel conditions, weather, and anything that would matter to the safety of the flight.

The flight is operated and the dispatcher is responsible for the safe operation of the flight during flight to advise of anything that happens enroute which may affect the safety of that flight. In modern air carrier operations, the communication between the captain and dispatcher happens thousands of times a day.

The extreme case in operational control is where you simply say—one of us says we are not going to go. If the captain and dispatcher do not agree to this plan, the aircraft cannot be operated with passengers on board under 121. We have to agree. The difference between 135 and 121 is not the motivation or the skill of the air crews, mechanics, and people involved in the 135 operations. There are aircraft performance issues and other issues, but under operational control issues, the captain is responsible for the operational control of that flight as delegated under 135 by the air carrier.

The 135 statement of operational control says there will be a named list of individuals who can exercise the authority of operational control. Our concerns regarding the differing safety levels are twofold. First, Part 135 fails to establish any requirements regarding the qualifications and training of those responsible for operational control.

Some carriers have high standards. They have 121 dispatch in place and 121 flight training. Other carriers, they have no standards that they have to adhere to. We view this as a major contributor to the Part 135 accident rate.

Our second concern under Part 135 is the pilot in command must research changing conditions during flight which forces a reduction in his attention to flying the aircraft, which is his primary responsibility. If the Part 135 pilot in command were to review all the necessary information, plan the flight, the fuel load, choose the alternates airports and calculate the necessary performance of weight and balance functions, this is extremely important especially dealing with aircraft where one bag makes a difference of being able to come off the runway at 35 miles and hour and stop or not, if the captain is forced to do all of these functions, and because of the nature of 135 operations, and if the crew is flying 50-minute legs on average into an airport, out of an airport, into an airport, or the aircraft is parked and is not close to an operations center or source of information, he has to cross the ramp, go into a building, find some place where information is supposed to be provided to him, get back to the airplane, which may cause a delay by the time he gets all the information.

His second option is to sit in the cockpit and supervise the loading of the aircraft because he is responsible for that too, talk to everyone. He has to get a weather briefing or whatever he can find out. But if he does that, he is going to miss the opportunity to discover vital information about the safety of the flight. For instance is there forecasts of severe icing on approach? Okay?

So, the captain is placed in a deliberate lose/lose situation. If he takes a delay, the company is not happy. If he doesn't take the delay, then quite often the families aren't happy. So we are concerned about this. The difference in the standards. The 121 and

135 crew enroute have the same responsibilities. They are flying the aircraft and dealing with ATC and handling the aviation environment and they all fly in the same environment.

135 has a new role that the 121 doesn't. He has to actively seek out information that has changed since he departed which may affect the safety of the flight. He does this by calling who? Who does he call? He can call flight watch and say what is the new weather at my alternate?

But the ATC system does not automatically provide him with weather information about things which affect the flight. It is not required to. The controllers are busy trying to separate traffic. So what happens is the Part 135 operator still calls his company, and he calls at a dispatch office. And he usually has radio access or he calls the station and he talks to someone and asks what they think is the situation there. What are the qualifications of those people? There is no qualification.

Because 135 does not require any licensed airmen in an operational control position except for the PIC himself.

If he should find something that is strange, that affects safety of flight, then he is off trying to find a resolution to the problem that this new information creates. He is also flying the airplane, negotiating with ATC. Hopefully, the two-man crew has divided the responsibilities properly with CLM training, which we hope they will have required.

The Mashansy Commission report in Canada on the Dryden accident speaks more eloquently than I can about the impact of the lack of operational control on air carrier operations in this kind of environment.

We have another series of concerns. I am an aircraft dispatcher, I deal with pilots every day. 121 rules with the limitations that they have are much more restrictive than 135. I have never dispatched 135. Some people have kind of in a mixed environment.

I have canceled flights because I talked to the captain and he was too exhausted to continue after all the weather problems you can have sometimes. Who does he call when he is alone? The outstation. And he is running three hours late? Does he call the director of operations for the airline? Is the director of operations in the country? Where is this one management person? Does he shut down the aircraft independently and tell the passengers to go home and look for a hotel room? Who does he call? Who does he work this out with?

I have had pilots call me that have had flight troubles with the chief pilot but didn't want to shut the aircraft down. The dispatcher does that, that is part of our job. We are the interface between the pilot and the airline, and we are also between the FAA and the airline because we are the people—over 90 percent of all the aircraft changes that take place when you go out to the airport and they have told you when you took your reservation that the flight was going to be a 727 on gate 6 and you get there and it is a 737 on gate 5.

Before the captain showed up, a dispatcher swapped that airplane because he didn't like the condition of the airplane you were given for the operation that was going to be conducted. This happens all the time. The public is not aware because we make a seamless operation.

When the traveling public buys a ticket on a 121 aircraft, they may find that part of their trip is on a Part 135 air carrier and another part on a 129 air carriers. But they bought a ticket on one air carrier. The airplanes are painted the same. We have concerns about issues like that as well.

The traveling public has been led to believe that we have the safest aviation system in the world. Part 121 flag and domestic is the reason for that. Now, that they believe it is safe, how about if I use a different rule and paint my airplanes the same and use the same ticket stock? I don't think the American public is being allowed the information sometimes to realize that they are not buying what they thought they bought because what they think they are buying is the safest transportation system in the world.

The accident rates between 135 and 121 are astounding. You don't even want to look at the comparison between us and some other parts of the world.

We appreciate your allowing us to appear. And if you have any questions, I would be happy to answer them.

Mr. OBERSTAR. Thank you very much for your breathtaking testimony and for you very illuminating insight into the operations of dispatch system. I have had the privilege of seeing a dispatch operation from the inside, I have been to the Northwest airlines dispatch operation in the Twin Cities and have seen their communication with aircraft in flight, with aircraft on the ground, and distance operation, and those that are much closer to home base. And later in the cockpit saw the communication coming to the crew from the dispatch center.

And I didn't think at the time, but I ask you now, are there any circumstances in which a major airline operator, Part 121 carrier, which has co-chair with a commuter, conducts those dispatch operations for that commuter?

Mr. NADON. Currently, I am not aware of them, however there are some—when the Hibbing initial exhibits talked about operation control by Express II certificate being delegated to Express I.

I don't have any details on that. From my personal knowledge up to now, each certificate holder exercises operation control and it is not delegatable between certificates under 121.

Under 135 since there is no regulatory statement of what it is, you can, I can speak from experience, I was personally involved in putting together three 135 air carriers into a subcarrier for a major carrier. They put in their own dispatch and they operate their 135s under 121 for operational control and several other items. They do that because it saves them money, because if you do have pilots out canceling their flights because of conditions, how do you rebuild your airline the next day to have a schedule?

So, many air carriers have accepted the Part 135 with 121 dispatch makes them money. They save money because they have better control over a lot of their assets, which is part of what dispatchers do. When you go to the gate, you want to have a group of trained pilots and a safe airplane to take you where you want to go. The dispatcher is responsible for that. We do crew scheduling and aircraft planning and all the management things that happen in the back.

So most carriers, 135s that have a form of operational control system used it under their own certificate with their own employees. Contracting is not done very often.

Mr. OBERSTAR. A Part 121 carrier establishes a cochair relationship with a 135 carrier. Does the larger operator check to see whether the commuter has a flight dispatch office? Is that or should it be any responsibility of theirs? Or is that a regulatory responsibility of the FAA and operational responsibility of the 135 carrier?

Mr. NADON. The Airline Dispatchers Federation position is that if you are going to run an air carrier, it should be done to 121 because—FAA 121 flag and domestic—it is the safest in the world.

The question of the responsibility of the cochairing major carrier towards the 135 carrier or other carriers that have a cochairing agreement, the Airline Dispatchers Federation hasn't taken a position on that, but I personally feel that they do.

And when I was involved in putting together a cochairing agreement, we created dispatch for those people. So it was done. And it didn't end up costing the carrier money; it ended up making the carrier money.

Mr. OBERSTAR. Did you hear Administrator Hinson's response to Mr. Clinger's question and my follow-up on regulations for dispatch operations on 135 carriers and are you satisfied with his response?

Mr. NADON. Yes. No, I am a dispatcher, we all work as line dispatchers, and we live in a black and white world. When Mr. Hinson, who I deeply respect and like, tells me the FAA is going to make one standard, it is going to happen effective December 31, then I am happy. The nebulousness of when makes me unhappy.

Mr. OBERSTAR. Thank you much.

Mr. Clinger.

Mr. CLINGER. Thank you, Mr. Chairman.

Thank you, Mr. Nadon, for your testimony and for your colleagues being here today. You mentioned in your testimony that a typical 10 minute turnaround for a 135 commuter aircraft is not enough time for the pilot in command to review all the necessary information before the flight, and that gives rise to a need for an aircraft dispatcher.

But isn't it true for most of these pilots who are on commuter flights that they are basically flying the same routes over and over again? It is basically a shuttle back and forth, so that really there isn't that much change from one run to another that would necessitate that long a period of time.

Mr. NADON. I will let Miro answer that. The change we worry about is hour to hour, but as far as the crew patterns, what they fly.

Mr. LEHKY. As far as the crew patterns with the size increase of a typical airline, even though the crew may be flying short hops, they may over the course of several flights, go quite a distance even though the individual flights themselves are quite short.

Also—and even in the case where you mentioned where they are going back and forth, in and out of a hub, because the aircraft doesn't have the range, is confined to that area, because of fuel considerations, load carrying, there needs to be an extra diligence on that changing information because there are less options available to that aircraft.

It simply doesn't have the range to go somewhere elsewhere where the conditions are better. It is confined to a smaller area. Typically also with the 10-minute turns, as the flight departs the hub airport, it may fly outbound for two or three smaller airports simply dropping off people at each stop, and that is what contributes to the very short ground time and doesn't give the crews time to get out of the aircraft and update themselves on the current situation.

They are simply dropping off a couple of people at one or two airports.

Mr. CLINGER. In that configuration, where would the aircraft dispatcher come in? At the beginning of that cycle? You would not have a dispatcher at every stop?

Mr. LEAHKY. No. Typically all the major carriers have a centralized dispatch location. You do have communications in a dispatch-type system with your aircraft, no matter where they are in your system. You can communicate with them in the air by radio via phone patch.

Each location where they land, you would send them via telex or printer system updated information on paper. If there was something of a more critical nature, you would simply advise that station have that captain call, we need to discuss this. Now, he knows there is something going on. I really do need to get out of the airplane and maybe take a delay and talk to the dispatcher and know what is going on.

Mr. CLINGER. We spend and FAA spends millions of dollars on flight service stations throughout the country to provide current up-to-date weather information to pilots. What do you provide that they cannot get now from flight weather service stations?

Mr. OKEEFFE. That is an excellent question. A lot of the things that have been discussed today tend to lose contact with reality to some extent. You mentioned global positions systems and you mentioned Avionca 52. Avionca 52 knew exactly where it was. Global positioning wouldn't have helped them. It is a different problem. The problem is managing the aircraft in space and time with the available resources.

A flight service station, for example, sits there and provides an on-demand service. I say what is the weather, and he says it is clear and 20. The dispatcher will look at that clear and 20, will look at the previous hour, and the day before that and forecast maps and satellite photos and radar pictures and say sure, it is clear and 20 now, but it is not going to be clear and 20 when you get there. Or because there is a line of thunderstorms between where you are and that clear and 20, you are never going to see that clear and 20.

Flight service won't provide that unless asked. And flight service, if the conditions get bad, and as they get busier and busier, they still can't provide the service. The flight service knows nothing about the performance of the individual aircraft or the capabilities of the crew on board or the fuel on board the airplane, nothing about any MEL limitations on that aircraft that restrict its altitude, speed. There are a million things.

What the licensed aircraft dispatcher does is provide the same level of experience and expertise that a pilot theoretically would provide on the ground.

If we go back to testimony that was given back in the 1930s, leading up to the act of Congress in 1938 that establishes the license requirement for dispatchers, there were a lot of discussions regarding the fact that pilots may not make good dispatchers. Dispatchers are pessimists by nature. We think it will go wrong. The ultimate example of how pessimistic a dispatcher is on a two-engine airplane, I automatically assume I am going to lose one of those two engines at every single stage of that flight, from taxi out to taxi in. I assume I am going to lose it at the worst possible time, and when a pilot asks me when is the worst possible time, I say when it quits.

If you get on an airplane out of here on a 121 carrier, that licensed aircraft dispatcher has guaranteed that plane can start a takeoff, get to the V–1 speed, lose an engine, abort that takeoff, and stop before you run out of runway. He also guarantees that you can start that takeoff at the weight that he issued, in that wind condition, at that temperature with the wet or dry conditions, lose an engine after the airplane gets to V–2 speed, and he will guarantee that that airplane will clear an imaginary 35-foot high obstacle at end of that runway, not guarantee that it will stop 35 feet after the end of that runway or leave it at a speed of 35 miles per hour.

Once you are in the air, the dispatcher assumes you are going to lose an engine. If you are flying over a mountain, he provides the pilot in command with a detailed plan of what to do when that engine quits, where I can guarantee you are going to clear any obstacles and get to a safe airport and not run into the side of the mountain because you are in the clouds and you don't know that it is out there.

When people complain about the cost and the economics of this, there is a lot about a 40 pound piece of safety equipment on a 17,000 gross versus 200,000 gross airplane. How much do three seats weigh when you take it from 33 down to 30 seats so you don't have to have a dispatcher? I would guess in the vicinity of 70 or 40 pounds.

There was a lot of discussion about pilot salaries. Pilots and professionals at 121 carriers in this country, and I speak from personal experience as an owner operator of a large air carrier, we are willing to make adjustments on salaries and benefits in order to keep our carrier alive. We are not interested in economic suicide.

As a matter of fact, most of the large carriers in this country, salaries and benefits are decided upon jointly to be mutually beneficial as in Part 121 the flight is decided upon to be mutually beneficial and safe for everyone.

If you are interested in the studies on having a safety division, I know I am taking a lot of time, on having a safety department, if you are interested in customer service, you hire customer service agents. If you are interested in safety, you hire a safety officer, period.

And one last comment on the Chairman's earlier comment to the FAA. It is difficult to grow moss when the Chairman is holding a blow torch to your behind.

Mr. CLINGER. Thank you, very much Mr. Chairman.

Mr. OBERSTAR. Mr. OKeeffe also speaks fluent French.

Mr. O'KEEFFE. Not as fluent as the Chairman and not in public, if I can help it.

Mr. OBERSTAR. And not to your pilots.

I want to focus very specifically on the economics of dispatch operations. So often you hear, oh, don't load another regulatory burden on us. It is going to cost this and cost that. And when we confront the carriers with that issue, they say safety is beyond cost, but then they find a way to bring cost back in.

For a carrier like Express II, how large a dispatch system would they have to have? How many people would they have to hire? What would it cost on an annual basis to operate such a system? Could such an operation be done on a contract basis with a larger carrier with whom they are cochairing?

Mr. OKEEFFE. I don't think it would be legal to contract dispatch services under Part 121. I think the certificate holder has to exercise operational control. It would be an interesting concept and maybe there is room for regulatory change to do it.

You were speaking about cochairing and the perfect example of cochairing is you and your counsel. He wears your colors when he is in public, and I think you have enough sense to make sure he is portraying your office correctly.

I am not sure that Part 121 carriers are taking the steps to be that careful with the cochair. I hope they are. I don't know. As to how many people it would take for a regional airline to upgrade to a system of positive operational control, number one, I would be willing to bet that they probably have the people on staff already, except that they have them doing different things.

There is a requirement for flight following, so theoretically there is somebody there paying attention at least when the flight took off and whether it got there or 20 minutes after it didn't get there saying, gee, maybe there is something wrong.

It is a small step from that to having that same person say, gee, he is not there now, maybe I ought to call him and find out where he is.

Also, the most interesting part that I think about the dispatch profession is that we tend to forget that we have a pilot, and aircraft traffic controller and dispatcher involved in this, and the first letter in each one of these is PAD, and we can call it a safety pad, we get on our soap box.

The dispatchers in this country are becoming more and more actively and proactively involved with air traffic control. We don't accept what ATC tells us to do anymore, like we used to. We are becoming more aggressive saying, here is what we want to do and you better give us a darned good reason if you say we can't do it that way.

We had a major storm come up in the Northeast. We had some flights holding, trying to go into the New York airports. We eventually reached the stage saying that is it. I don't care what ATC says. I don't care what the airport authority says, what the Port Authority says, what customer service says, or what the president of the airlines says. This is becoming unsafe. We are bailing out. We are taking these airplanes elsewhere.

And in one instance we took two airplanes enroute to New York and diverted them to Detroit, and got a lot of heat for it. But it was the safe thing to do because by the time they would have gotten to La Guardia, the airport was closed. The pilot in command has no real way of knowing that, especially if he is taxed with other duties, being a customer service agent, being a fueling supervisor, being this and being that.

You know, the pilot in command should fly the airplane, period. He needs an expert on the ground to tell him when things are going wrong and to tell them when things are going right. Give him a plan. If anything changes, we notify him and we reach a mutually acceptable new contract and the flight operates and terminates safely.

Hiring people is not an issue as far as costs and dispatchers don't cost money, they save money through a judicious use of fuel. What is the cost of an aircraft hull these days is what the bottom line comes down to.

Mr. OBERSTAR. For a 30 aircraft Part 135 operation, how many dispatchers would be required and what kinds of equipment?

Mr. NADON. Just to give you an off-the-wall number, not knowing what kind of automation they may have, six or seven people total to staff a 24-hour operation. You would have to factor in some extra vacation time and possible training time and things like that, might make it eight or nine at the most.

Those people would also be in a 30 airplane fleet probably responsible for routing crews, making sure the aircraft in the maintenance—they would be doing more than just dispatch at that level there. There is very little specialization. It is a generalist position with the regulatory and safety stuff first.

Mr. OBERSTAR. We are really not talking large budget. And when you take into consideration the offset that Charles OKeeffe mentioned a moment ago of safety and saving operations and saving lives, it is a net benefit.

Mr. NADON. I can tell you from personal experience that the amount of staff that many 121 operators have to fill in the gaps about their operational problems, keeping track of airplanes, crews and all of these other things when we actually put in a dispatch system in, we had too many people on staff in one case.

When you put trained people in, they can do more and the salaries were approximately the same.

Mr. OKEEFFE. Additionally, Mr. Chairman, without giving away any secrets of my carrier, dispatch at my airline costs one-tenth of 1 percent of the operation budget of the carrier as opposed to fuel, which costs approximately 15 percent. In other words, dispatchers cost one-one hundred fiftieth of the fuel that is used. On a $300 ticket, you are paying 30 cents for my expertise.

Mr. OBERSTAR. That is wonderful. I thank you very much for your contribution and I assure you this subcommittee will work diligently to see that the FAA moves with "dispatch" on the regulations to put in place dispatch offices.

Mr. NADON. Thank you, Mr. Chairman.

TESTIMONY OF GERALDINE FRANKOSKI, DIRECTOR, AVIATION CONSUMER ACTION PROJECT

Mr. OBERSTAR. The final witness is Ms. Geraldine Frankoski, Director of the Aviation Consumer Action Project.

Ms. FRANKOSKI. I will summarize my statement.

Mr. OBERSTAR. Your statement will appear in the record in full, and you don't have to cut any corners. Just proceed.

Ms. FRANKOSKI. On behalf the Aviation Consumer Action Project, I would like to thank you for the invitation to speak today on a subject of considerable interest to the traveling public: commuter airline safety.

Founded in 1971, ACAP is the only non-profit consumer organization working full-time on aviation issues, and it is funded by contributions from the public. ACAP has long worked toward improving commuter airline safety; and has participated in federal rulemaking initiatives both prior to deregulation and in the ensuing period of geometric growth for commuter carriers.

In 1976, we published a report which for the first time quantified the gap in accident rates between commuter aircraft and major carriers. At that time the accident rate for commuters was nearly three times that of larger aircraft.

Nearly 20 years after this report was published and Part 135 regulations were upgraded, we have seen a decline in the overall commuter accident rate, but the alarming disparity between the accident rates of Part 121 and Part 135 remains constant. In fact, in 1992, commuter aircraft suffered accidents at a rate three and a half times that of Part 121 carriers.

More alarming still is the fact that the fatal accident rate for Part 135 exceeds that for Part 121 by an even greater margin. Last year, commuter airlines experienced nearly 10 times the fatal accident rate for major carriers with respect to departures, and this large margin is not an anomaly. Over the past 10 years, the fatal accident rate for Part 135 has averaged nearly six times that for Part 121 carriers.

These statistics would indicate that a comparable degree of safety has not been achieved between commuters and major carriers.

Of those areas of Part 135 needing improvement, the issue of flight/duty time limitations has remained controversial within the aviation industry and we have heard a lot of testimony about that today.

Working with an overburdened air traffic control system and increasingly congested hub airports, the commuter airline pilot plays a critical role in maintaining an adequate margin of safety for himself and the passengers he carries. Yet in the interest of "flexible scheduling" for the regional carriers, pilots can be expected to work duty days of up to 16 hours with as many as 10 landings, and still fly with the highest level of proficiency. Consequently the traveling public may be exposed to an increased level of risk—too high a price for flight scheduling flexibility.

Yet in those cases where delays might push duty time beyond its allowable maximum, if such limits were to be mandated, it should be the airline that is called upon to go the extra mile, and not the pilot and passengers. If weather or air traffic control delays were to prevent timely flight operations, the air carrier would have ample opportunity as the duty time deadline approached to have reserve crews ready and waiting, and so would still be able to provide seamless service to passengers.

Since we are a consumer group, I would like to briefly address public perceptions of commuter airline safety. We hear many anecdotes about how passengers vaguely feel that travel on smaller planes is "less safe" than jet travel. Yet public opinion on Part 135 regulations is difficult to gauge, because the commuter airline, through code-sharing, is essentially obscured from public view.

The ticket and boarding pass list only one carrier, and usually even the cabin crew wears the uniforms of the major airline with whom the commuter shares a code.

This very "name-sharing" question is being addressed right now within the banking industry. A campaign is under way to clearly disclose to consumers that mutual funds are not insured by the Federal Deposit Insurance Corporation, even though the funds may bear a name identical or similar to the bank name, and are sold in a bank whose accounts are insured.

Many in the banking industry have said that promoting both insured and uninsured products under the same company name is unfair to consumers, leading them to believe that the same set of regulations apply equally to each service provided.

Ms. FRANKOSKI. We are concerned that an analogous situation exists in the airline industry with respect to commuter airlines. These carriers operate under a different set of regulations, yet using a similar name obscures the distinct identity from consumers.

To help consumers make informed choices about air travel, travel agents, who sell in excess of 85 percent of airline tickets, might be encouraged to advise passengers that their flight is booked on a commuter carrier which is neither owned nor operated by the major airline, when this is the case. This is a modest suggestion to help consumers make informed decisions before they fly.

Yet even informed consumers can't seem to escape hearing the same factors and recurring problems in commuter airline safety cited year after year. In our 1976 study, we found a strong positive correlation between commuter accidents and pilots who had below average number of flight hours. Today, the accident record, according to NTSB, shows more than two-thirds of commuter accidents involving deficiencies in pilot training, judgment and experience.

Even good regulations and solid enforcement will not solve every problem and make commuter travel totally risk free, but we are hopeful that the FAA will respond to the challenge to make safety regulations comparable among all scheduled carriers and that the gap that now exists between commuter carriers and major carriers will soon be closed.

Thank you for the invitation to testify, and I will be happy to respond to your questions.

Mr. OBERSTAR. Thank you very much for your testimony, for a very succinct summary of very ample information you have provided.

What activities has ACAP undertaken on commuter airline safety, such as submitting petitions to the FAA, joining in petitions of other organizations? Could you describe this for us?

Ms. FRANKOSKI. As I said, we conducted the first quantifiable study of commuter airline safety versus the safety record of major air carriers. That was in 1976. And, subsequently, the major rewrite of Part 135 regulations were undertaken. We also participated in the regulatory negotiations in the mid–1980s.

Mr. OBERSTAR. Have you submitted any petitions more recently to FAA on these matters of commuter safety?

Ms. FRANKOSKI. We commented on the rulemaking initiative regarding deicing for commuter aircraft. And one of our greatest concerns with the Part 135 deicing interim final rule is that it allows pilots to check for ice contamination on the wings without leaving the cockpit.

Mr. OBERSTAR. Have you—and I typically think your group over the years has paid very close attention to safety and the relationship of safety to costs. Certainly, there are costs involved in adding TCAS and adding Ground Proximity Warning Systems and adding flight data recorders and cockpit voice recorders.

Has your group made a study of the relative cost of equipment to—safety equipment to overall operations of regional commuter carriers? Have you done passenger surveys about safety and their passenger views of whether there is a cost of safety that is troublesome to them?

Ms. FRANKOSKI. We haven't been able to conduct a passenger survey, as it is difficult for us to do a survey which would be accepted on a scientific basis because the passengers which contact us are largely self-selected. They are passengers who take a greater than average interest in safety and service of an airline. So we really wouldn't be able to conduct a random sample study of passengers.

Mr. OBERSTAR. Okay, thank you.

Mr. Clinger.

Mr. CLINGER. Thank you, Mr. Chairman.

Thank you, Ms. Frankoski.

Your organization does support applying the 121 part to commuter airlines, as I understand, is that correct? You want one standard.

Ms. FRANKOSKI. We also would like to see a single standard of safety.

Mr. CLINGER. And in regard to that, following on the Chairman's question, if that resulted in increased fares, does that affect the opinion of your people?

Ms. FRANKOSKI. I am sorry—if it resulted in increases?

Mr. CLINGER. If, by having a single standard for all, which—as the Chairman indicated, there are costs involved in achieving that standard in commuter airlines. Would that change the opinion of your membership because it would increase costs?

Ms. FRANKOSKI. Oh, most passengers agree that the cost of safety is generally worthwhile, if you look at the deicing question——

Mr. CLINGER. And you mention public perceptions of commuter airline safety. Beyond being concerned about code-sharing, what have your polls of public perceptions of commuter airline safety revealed? Other than the code-sharing issue that you raised earlier?

Ms. FRANKOSKI. Surprisingly, even though code-sharing has been around for a while, we still do have passengers that contact us, and they are surprised that, if they are booked on a particular airline, that they find out they are traveling not on a jet.

The most common situation, though, is that passengers contact us after being reminded by a ticket agent or a travel agent that they will not be traveling on a jet, and they would like to know what that implies. And, largely, they are not aware that there is a separate set of regulations that applies to Part 135.

Mr. CLINGER. Now you mention that consumers would rather wait and have their flight delayed if there was an abuse of flight time limitation—in other words, if the crew had not had sufficient rest. How do you determine that? Do you poll your membership? Did that conclusion come from a survey?

Ms. FRANKOSKI. Actually, what I mentioned is that passengers would probably be irritated at having to deal with the flight delay, but they are also irritated at having to wear their seat belt during turbulence and not being able to smoke on some flights and having to limit the amount of carry-on baggage that they can bring with them.

In each of those cases, safety concerns rightly outweigh those concerns of service.

Mr. CLINGER. Are those preferences based on sort of anecdotal evidence or do you have any systematic way of determining what your membership or your people feel about these issues?

Ms. FRANKOSKI. I am not sure of the nature of the question. I would have to say it is based on anecdotal evidence and the fact that passengers have adapted to those regulations regarding smoking and baggage limitations to which I have referred.

Mr. CLINGER. Okay. Thank you.

Mr. OBERSTAR. Your testimony refers to accident rate and the improvement that has taken place in the last several years. If the single standard of safety were achieved, close the gap between 135 and 121, do you think that Part 135 carriers' operations would be just as safe as the major carriers' operations? Or do you think there is something inherently different about those operations and the conditions under which those carriers fly and the airports into which they operate?

Ms. FRANKOSKI. It is certainly true that there are some—the nature of commuter airline operations involves some elements which are not—do not relate to Part 121, such as flying in more turbulent conditions, sometimes on a higher frequency of takeoffs and landings.

Nonetheless, we feel that working towards a comparable degree of safety is still a worthwhile goal and one towards which we should strive.

Mr. OBERSTAR. A higher degree of safety required perhaps even?

Ms. FRANKOSKI. A comparable degree of safety between Parts 135 and 121.

Mr. OBERSTAR. Maybe a higher degree of safety because of the conditions under which they operate. Or wouldn't you go that far?

Ms. FRANKOSKI. The end desire is that there would be a comparable degree of safety. It may require a higher degree of regulation for Part 135, but the desired goal is that the degree of safety in those operations be close to equivalent.

Mr. OBERSTAR. Earlier today I asked one of the witnesses—well, the regional airline witness—for his list of the three regulatory burdens he would like to see changed or eliminated. Let me ask you. What are the three safety concerns you consider to be the most—the top priority to be addressed by FAA and the regional carriers?

Ms. FRANKOSKI. We also participated in the Aviation Rulemaking Advisory Committee, along with some of the carriers and manufacturers and the FAA, so we have also been invited to submit those three, and we are working on our suggestions right now.

Clearly, our interest is not primarily in reducing the burden of compliance on the industry but increasing the safety among all scheduled carriers.

Mr. OBERSTAR. I thank you very much. When you have those recommendations completed, please send them to the committee. We would like to see your thoughts on that subject.

Ms. FRANKOSKI. Of course. Thank you.

Mr. OBERSTAR. The subcommittee has had a very intense experience today, very keen insight into the operations of regional commuter carriers.

I think we have had some very revealing testimony by witnesses but particularly very encouraging expression of activism by the new Administrator. I am encouraged that—with the spirit of cooperation, moving ahead decisively on rulemaking, of taking action on the issues that we have brought to the Administrator's attention.

I think there are many other areas than those that are now in rulemaking that need to be addressed, such as out-of-flight dispatch, flight training for cockpit crew, and the challenge of bringing Part 135 carriers up to the standards of 121 with respect to safety equipment on board aircraft.

This is the beginning of a new era of intensive look at safety in these commuter operations. The commuters themselves I think are perhaps a little surprised by the level of attention given by the traveling public, by the FAA, by their own employees to the issues of safety.

But I also detect there a spirit of willingness to cooperate. We did not hear the usual litany of it is going to cost too much to do all these things.

I think there is a new awareness on the part of the commuters that the public expects a higher level of performance, awareness and responsibility on their part, and they seem to be willing to accept that responsibility.

At any rate, we have begun this journey once again. We will continue it. We will continue to monitor the performance of carriers and of the FAA on these important safety matters.

And I appreciate your participation, Mr. Clinger. We look forward to working together intensively as we have done over the past decade.

Mr. CLINGER. Amen.

Mr. OBERSTAR. The subcommittee stands adjourned.

[Whereupon, at 4:25 p.m., the subcommittee was adjourned.]

PREPARED STATEMENTS SUBMITTED BY WITNESSES

STATEMENT OF
CAPTAIN J. RANDOLPH BABBITT, PRESIDENT
AIR LINE PILOTS ASSOCIATION
BEFORE THE
SUBCOMMITTEE ON AVIATION
COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION
U.S. HOUSE OF REPRESENTATIVES
FEBRUARY 9, 1994
THE ADEQUACY OF COMMUTER AIRLINE SAFETY STANDARDS

Mr. Chairman, I am Randolph Babbitt, president of the Air Line Pilots Association (ALPA). ALPA represents the interests of 42,000 professional airline pilots flying for 36 airlines, 6,100 of whom are in service to the 22 regional airlines of ALPA. We appreciate this opportunity to appear before you today to discuss the safety issues of the commuter airline industry.

I am accompanied today by Captain Linda Nalwalk, chairman of the ALPA Presidential Committee for One Level of Safety, Captain Stephen Ormsbee, chairman of the ALPA Regional Airline Committee, and Mr. John O'Brien, director of the ALPA Engineering and Air Safety Department.

Because the commuter air carrier industry is an integral part of the nation's air transportation system, ALPA believes that a single standard of safety must be maintained on all scheduled air carriers, whether the aircraft seats one or 500 passengers. Our Air Safety

Structure is therefore committed to establishing a single standard for all scheduled air carrier aircraft.

To accomplish this goal, we have established an ALPA committee for "One Level of Safety." This action was taken in response to a growing sense of frustration among the air carrier pilots flying for regional airlines where we have representation and our national safety structure representatives who are responsible for attaining our goal of one level of safety for all scheduled air carriers.

Our Committee for One Level of Safety is charged with the development of a work program to achieve "regulatory uniformity", aimed specifically at eliminating the present dual safety standards. This work program will include but certainly would not be limited to updating our comparison of FAR (Federal Aviation Regulation) Parts 135 vs. 121 and FAR Parts 23 vs. 25. ALPA published a comparison of these parts in 1978. We plan to have an updated comparison completed by early March 1994.

Another part of the work program involves a public awareness campaign. The goal of this campaign is to stimulate support necessary for several regulatory projects required to do away with the dual standards promulgated by the current regulations.

Prior to deregulation in 1978, when the commuter airline industry was not the integral part of the nation's air transportation system that it is today, the operating regulations of FAR Part 135 may have been adequate. They were designed for nonscheduled air taxi operations that were made up of small operators flying small airplanes.

However, in December 1978 in response to the Airline Deregulation Act, the FAA amended Part 135 to allow new entrants and to satisfy the demands for the additional air service that had been forecast to result from the deregulated environment.

In June 1985 the FAA, through further regulatory amendments, defined the term "Commuter Air Carrier" to mean holder of an "Air Carrier Operating Certificate." The term "Commuter Air Carrier" applies to scheduled passenger-carrying operations, with a frequency of operations of at least five round-trips per week on at least one route between two or more points according to the published flight schedules made readily available to the general public. Through these regulatory amendments, the FAA totally changed the type of operation originally intended to be governed by FAR Part 135 from that of an on-demand air taxi operation to that of a scheduled air carrier utilizing aircraft that can carry as many as thirty passengers.

At the present time, two standards exist for the operations of scheduled air carriers. Those that fly planes with more than 30 seats operate under FAR Part 121, and those carriers that fly planes with 30 seats or fewer operate under FAR Part 135. The carriers that fly the smaller aircraft governed by FAR Part 135, *Air Taxi Operators* *and Commercial Operators*, are referred to as commuter air carriers or regional air carriers. The terms are used interchangeably.

ALPA is not alone with our concern over dual safety standards. Two standards exist for the operation of large transport category aircraft: those that conduct scheduled operations under FAR Part 121, and those that conduct nonscheduled, or charter, operations under FAR Part 125. Indeed, Department of Transportation General Counsel Arthur J. Rothkopf wrote a letter to the Commissioner of the National Football League on January 15th, 1992, recognizing that there are different levels of safety between FAR Parts 125, *Certification and Operations: Airplanes having a Seating Capacity of 20 or more Passengers...* (not operated as a scheduled airline), and Part 121, *Certification and Operations; Domestic, Flag, And Supplemental Air Carriers and Commercial Operators of Large Aircraft*, saying,

> ...Part 125 does not contain safety standards as stringent (high) as Part 121. Part 121 safety standards reflect the statutory requirement that all common carriers conduct their operations with the highest possible degree of safety.

ALPA agrees with Mr. Rothkopf that operations under Part 121 represent the highest level of safety. It is ironic that the DOT should cast a shadow over Part 125 operations while it approves of Part 135 for scheduled passenger operations, although Part 135 represents a level of safety below Part 125 and Part 121.

ALPA contends that as long as a disparity exists between the regulatory standards for operations of certain passenger-carrying aircraft, our nation will have a disparity in the safety of these planes and operations.

We believe that the standards for all air carrier planes should be the highest standards set by the Federal Aviation Administration for the larger air carrier planes: FAR Part 121 for operational procedures and special airworthiness regulations, and FAR Part 25, *Airworthiness Standards: Transport Category Airplanes* for aircraft certification. Only then will ALPA achieve its goal of one level of safety for all scheduled service.

In the area of airworthiness standards, again two standards exist: FAR Part 25 for aircraft certificated having 20 or more seats and FAR Part 23 for aircraft certificated with fewer than 20 seats.

ALPA believes that the same level of airworthiness must be achieved for all air carrier aircraft. At one time, this was also the goal of the FAA. In fact, in Amendment 23-10, "Airworthiness Standards" (of Part 23) effective March 13, 1971, the FAA changed its certification standards for small transport-category airplanes. I'd like to quote from that amendment:

> The FAA considers that continued applicability of Part 23, *Airworthiness Standards: Normal, Utility, Acrobatic, and Commuter Category Airplanes*, for small (transport-

> category) airplanes designed to carry 10 or more passengers is no longer in the interest of safety. Future generations of these small airplanes should adhere to the level of safety afforded by the requirements of Part 25 not irrespective of whether operations are conducted under Part 135 or Part 91, *General Operating and Flight Rules*.

The amendment went on to say:

> The FAA does not believe that the cost of certificating small airplanes under Part 25 would be prohibitive. In any event, the recent rapid increase in the number of small airplanes carrying 10 or more passengers emphasizes the need for a single level of airworthiness for airplanes carrying 10 or more passengers.

Contrary to the statements by the FAA in 1971, that in the interest of safety, airplanes designed to carry ten or more passengers should be designed to the Transport Category -- Part 25 -- the FAA in October 1979 reversed its position and authorized the use of small non-transport category airplanes to be certificated to carry up to 19 passengers. This action, Special Federal Aviation Regulation 41, as stated by FAA was taken to:

> ...increase aircraft availability for the commuter market that is burgeoning since enactment of the *Airline Deregulation Act of 1978*.

However, this is in contrast to the provisions of the *Airline Deregulation Act of 1978*, where Congress stipulated the following as part of the "Safety Study" and "Policy":

> Sec. 107. (a) The Congress intends that the implementation of the *Airline Deregulation Act of 1978* result in no diminution of the high standard of safety in air transportation attained in the United States at the time of the enactment of such Act.

It can be asked, why is the level of safety for scheduled operations with airplanes that seat thirty or fewer passengers so different from scheduled operations with larger airplanes? The answer we have received from the FAA is that FAR Part 135 is so broad because it must include scheduled and unscheduled operations with single- and multi-engined airplanes that seat from one to thirty passengers. Thus, the FAA in its attempt not to impose an economic burden on the small "mom and pop" operator adapts the regulations to the lowest common denominator. The end result is that the businessman or grandmother who purchases a ticket on a major airline from San Francisco, California, to State College, Pennsylvania, would most likely be exposed to this lower level of safety on the last leg of the trip.

Since 1978, however, regional airlines have become an integral part of the aviation industry. As the major airlines attempted to compete in a deregulated environment, they moved away from point-to-point service and opted for a hub-and-spoke approach. Increased regional service became necessary for the communities losing jet service as well as for the major airlines seeking passenger feed for their connecting flights. Code-sharing affiliations, either through equity ownership or marketing alliances, became an important trend throughout the industry.

In 1981 there were approximately 250 regional carriers, but in 1991 that number had decreased by 44% to 140. However, while the number of carriers decreased during this period, the size of the dominant carriers increased dramatically. Fourteen regionals are owned, totally or partially, by four majors. Seven are owned by three other regionals. By 1990, 42 of the top 50 regional airlines shared codes with a major or a national airline. As an indication of the growth of the regional carriers, during the first quarter of 1988 through the third quarter 1993, the majors have shifted 65% of their short-haul jet routes (under 500 miles) to the regionals.

As the majors continue to withdraw jets from the short-haul markets, more opportunities are presented to the regionals. Total enplanements in 1992 increased by 11.9% over those in 1991 to 45.1 million passengers. Revenue passenger miles increased by 17.8% to 8.6 billion. By all indications the regional airline industry is projected to grow over the next two decades as much as 40% more than the majors. While exact profits in this industry are hard to identify (many of the regionals are privately held and their financial operating performance is not made public), the financial health of the regional airline industry has exceeded that of the major airlines in the past two years.

Clearly the scheduled air carriers of the regional industry can afford increased air safety. What we can't afford is a continued lower level of safety.

OPERATIONAL PROCEDURES AND REGULATIONS

To understand why ALPA believes these changes should be made, let's compare specific areas of carriers operating under FAR Part 121, which regulates the major airlines and the aircraft they operate, with those operating under FAR Part 135, which regulates the operations of regional airlines who operate smaller aircraft.

The most alarming comparison can be found in accident statistics. Since 1983, there were 43% more fatal accidents for Part 135 carriers than Part 121 carriers. ALPA attributes this safety disparity to the many inadequacies in Part 135. Some examples of these inadequacies follow.

Flight Dispatch

Flight planning today is complex. It includes checking the weather (if the weather is poor, determining if alternates for the departure or destination airport are required); checking the condition of all facilities, including runways, taxiways, and electronic navigational aids; computing the fuel required to fly to the destination and, if required, alternate airports; and determining the maximum allowable takeoff weight for the existing conditions at the departure airport so as to effect the clearance of all obstacles in the event of an engine failure on takeoff.

Because of the complexity of all the items listed above and because the FAA's fundamental position is to achieve the highest level of safety in air transportation, Part 121 requires that the area of flight planning have a system of checks and balances. A Flight Dispatch Department consisting of professional flight planners provides this standard. The pilot does his or her planning and the dispatcher provides the opportunity for a second look at the trip. Both the pilot and the dispatcher must agree that the flight can be flown safely. To assist the pilots during the flight, dispatchers monitor changing weather and airport conditions and advise them of any significant changes. Also, the dispatcher can suggest available alternatives to further assist the crew in making critical decisions en route.

Flight dispatch is not required for Part 135 operations. This is a significant omission that can affect safety. Obviously, regional airline safety would be enhanced by the addition of flight dispatch if all regional operations were governed by the same regulations as the larger carriers.

Aircraft Ground Deicing

In 1992, in an effort to reduce the number of accidents and incidents involving airplanes taking off with frozen precipitation (snow, ice, and frost) adhering to the wings and other surfaces, the FAA issued more stringent rules dealing with this subject. The heart of this improvement is a continuous training program for all air carrier personnel -- including management -- who are involved in deicing operations.

The new rule required the airlines to establish the following improvements:

① Develop a management plan defining personnel responsibilities
② Train all personnel associated with the ground deicing process
③ Use SAE-approved deicing fluids and the holdover timetables
④ Complete pre-takeoff check procedures

Although this new rule was heralded as a major improvement in the level of safety for passengers during winter operations, it contains one major flaw: the rule is applicable only to airplanes operating under Part 121. To be more direct, it is not applicable to the vast number of commuter air carrier airplanes, seating 30 passengers or fewer, currently being used in scheduled operations for the major air carriers. These commuter air carrier operations do not benefit by this new Part 121 rule, even though they are the feeders in the hub-and-spoke operation so prevalent in today's air transportation system.

When the deicing rule for Part 121 operators was issued in 1992, the FAA promised a similar rule for the Part 135 operators within one year. Although the FAA completed the rule for Part 135 operators as promised, this rule was very disappointing in that it bears very little resemblance to the rule issued in 1992 for Part 121 operations. The new deicing rule for Part 135 operations does not contain any of the four improvements cited above for Part 121 operations. In fact, the Part 135 rule is better known for what it doesn't requires, than for what it does require.

In short, the new Part 135 rule requires airlines to establish the following improvements:

① Train all pilots concerning deicing procedures, inspection, and responsibilities

As you can see, this does not begin to resemble the deicing rule requirements for Part 121 operations. Or to put it another way. the new Part 135 rule does not require airlines to:

① Develop a management plan defining personnel responsibilities
② Train all personnel associated with the ground deicing process
③ Use SAE-approved deicing fluids and the holdover timetables

In summary, the new deicing rule for Part 135 operators places the complete burden for management decisions, deicing operations (including supervision of the deicing operation), and aircraft inspection on the pilot. In addition to not having trained management and other ground personnel to assist them during deicing operations, the Part 135 pilots do not have the benefit of trained and qualified dispatchers to assist in checking the weather, airport conditions, fuel requirements, etc., to determine when to have the deicing procedure completed. All of these benefits and forms of assistance are standard procedures for the flight crew (and passengers) on Part 121 operations. Couple this with the quick turnaround times typical for commuter airlines schedules, long duty days, deteriorated weather conditions, and pilots looking through a fogged-over window to determine if a wing is contaminated with ice or snow, and you have the perfect scenario for disaster.

Regulatory Abuse

Recent aircraft designed and marketed for the regional airline industry are faster, larger, and more sophisticated than those certificated in the past. An example of this is the 315 mph (280 KTS) Saab SF-340 aircraft. The Saab SF-340 is certificated for a maximum of 34 seats. With 34 seats, it must be operated under Part 121 - the highest level of safety required by the FAA.

However, for solely financial reasons, an operator can remove four of those seats and operate the SF-340 aircraft under Part 135 -- a lower level of safety. Thus this carrier has elected to operate a high-tech, high performance aircraft under minimum air carrier operating regulations, training requirements, and control within the air transportation system.

For example, if two Saab SF-340 aircraft were sitting side-by-side on the airport ramp, it would be impossible tell which would be operating under Part 121 or Part 135. The only way to tell for sure would be to look at the airlines' operating certificates. Two identical airplanes can have very different operating regulations applied.

The potential danger of this type of operation should be obvious. It can be eliminated by requiring the same standard of safety for all sizes of aircraft.

Pilot Experience and Training

Because major airlines have been hiring many regional pilots to keep up with their expansion, some of the pilots replacing them at the regional level have been less experienced, particularly because the major airlines also use up the small supply of former military pilots. The industry realized it needed to do something to provide the traveling public with experienced, well-trained flight crews.

In 1987 the FAA established the Joint Government/Industry Task Force on Flight Crew Performance to examine a number of issues regarding human performance in the aviation environment. One of the Task Force's three working groups examined pilot training issues. The Task Force recommendations that were sent to the FAA in June 1988 contained a recommendation that commuter air carriers operating airplanes requiring two pilot crewmembers should be required to adhere to the training, checking, and qualification requirements of FAR Part 121.

ALPA participated in the deliberations of the Task Force and wholeheartedly agrees with this recommendation. The pertinent standards in Part 121 provide better guidance and a higher level of safety than those in Part 135. We understand that the FAA is preparing a notice of proposed rulemaking that would implement this recommendation. However, to date this rulemaking has not been published for public comment.

On December 10, 1991, the Regional Airline Association petitioned the FAA to allow Part 135 commuter air carriers to train to Part 121 standards. Their justification for this petition was to recognize the growth and maturity of the commuter segment of the scheduled air carrier industry and to increase the level of safety in their flight operations through this improvement in pilot training.

ALPA applauds the RAA for this action and supported its petition in comments submitted to the Docket on February 19, 1992. The FAA granted the RAA petition on May 8, 1992. The entire process took a remarkably short five months to complete successfully. This action clearly points out that adhering to Part 121 is economically feasible. We feel that the RAA should continue this position by calling for the upgrading of all commuter air carriers to Part 121 to provide the traveling public the safest operation possible. This would also allow for training and checking in simulators, which would greatly improve the safety of flight training.

The FAA has consistently recognized that training in the aircraft is not as safe nor as effective as training in a simulator. Such training as engine-out maneuvers has led to a number of training accidents over the years. Also, there are some maneuvers that simply cannot be done in an aircraft but that are easily accomplished in a simulator.

Much of the training that is performed in aircraft is performed at night, after scheduled flying is complete. This minimizes the necessity to remove an airplane from the flight schedule. Airplane training at night is counter-productive because crews are, in many instances, training on the back side of their bodily clock at times when they are normally asleep.

This can have a negative effect on the retention of information as well as on performance, as indicated by the seven Part 135 operator training accidents listed below that have occurred during the period between 1987-1993.

	Date	Aircraft	Location	Operator	Fatalities
1.	09/25/87	SA-227 (Metro 3)	Twin Falls, ID	Horizon Air	0

Shortly after becoming airborne, the aircraft struck the glide slope antenna some 300 feet to the right of the runway centerline and some 7,700 feet from the start of its takeoff run. The impact damaged the Metro's wing and it crashed beyond the end of the runway. The accident happened at night.

2. 02/09/88 Jetstream 3100 Springfield, OH Jetstream Int'l 3

Following commencement of "go-around," apparently as part of a crew training exercise, the aircraft flew along the runway at low height, estimated at between 150 and 200 feet, but was then seen to pitch nose-up and enter a right bank. The aircraft lost height and impacted the ground in a steep nose-down attitude between the runway and taxiway. The accident happened in daylight and in clear weather.

3. 12/29/91 Beech 1900 Block Island, RI Business Express 3

The aircraft crashed into the sea during a night training flight. All three occupants were killed.

4. 03/12/92 Jetstream 3100 Knoxville, TN CC Air 2

Aircraft crashed following a "go-around" during a training flight.

5. 04/20/93 Jetstream 3100 Merced, CA Westair 0

In a planned V_1-cut maneuver, after executing a correct takeoff, and shortly after breaking ground, the aircraft established a positive rate of climb, veered left and subsequently impacted the ground a few hundred feet left of the runway. There were only minor injuries. The flight was conducted at night and was being observed by an FAA inspector.

6. 04/28/93 Beech 99 Grand Island, NE GP Express 2

Night training flight which resulted in the aircraft crashing into the ground after performing an unauthorized aerobatic maneuver. Both pilots were killed.

7. 05/25/93 SA-226 (Metro 2) Santa Fe, NM Peacock Flying Svc. 4

Aircraft impacted a hill during a night training flight 5 miles west of the airport.

Crew Fatigue

Another safety issue in today's commuter and regional airline environment is crew fatigue. While not cited as a causal factor in any commuter air carrier accidents, it has been implicated in several, and we feel that fatigue issues have not been adequately addressed in accident investigations.

A joint FAA/NASA (National Aeronautics and Space Administration) program has been initiated to investigate this area. This investigation will most likely be used as the basis for future regulatory action by the FAA. The intent of this program is to provide technical support for a flight time/duty time ARAC (Aviation Rulemaking Advisory Committee) Working Group, which was established as a result of this committee's hearings on March 17, 1992.

Regulatory changes are far more necessary for pilots of Part 135 carriers. In most instances, Part 121 pilots have labor contracts that provide necessary protections, but such protections are often not available for pilots operating under Part 135. FAA regulations must provide adequate protection for all pilots; air safety should not be dependent on a negotiated labor contract.

One of our major concerns is with rest periods, especially the increased and unanticipated use of reduced rest periods on a regular basis. We feel it is contrary to the intent of the regulations to use reduced rest provisions as a routine scheduling goal.

Crews should be limited to duty days of no longer than 14 hours. The FAA has consciously avoided addressing the issue of duty time. In 1985, when publishing the final rule amending flight time limitations and rest requirements, the FAA noted that addressing duty time was outside the scope of that rulemaking and that adequate and timely rest periods would effectively limit the length of duty periods.

This would allow a normal schedule duty period of 15 hours. While that may have been the intent, it is not the practice.

The Regional Airline Association has advised its members that duty time is a scheduling goal. When flights are extended due to circumstances beyond the control of the carriers, such as weather delays or maintenance problems, duty times may be extended beyond even 16 hours. It is therefore imperative to place some definite and mandatory limits on duty days assigned to pilots.

The airlines have devised a scheduling concept known as the "stand-up overnight," which is an extremely inefficient use of human resources and which ignores physiological rest and sleep requirements.

Scheduled times are frequently exceeded, which causes even more fatigue and stress for pilots. Also, a typical stand-up overnight schedule disrupts the pilot's normal sleep patterns and is the ultimate treatment of human beings as machines. The regulations expect that pilots will turn themselves off with no regard for internal body rhythms and expect them to be fully functional when needed for flight.

Pilots report that they are being required to perform standby or reserve duty for as many as 18 days in a row. Standby or reserve duty means they must maintain themselves in a ready condition to operate a revenue trip and be capable of arriving at the airport within, on average, one hour of being notified of a duty assignment. A standby or reserve day is not a rest day.

In another abuse, a pilot is assigned flight duties for six consecutive days, and then assigned to training or other non-flight duties with the airline on the seventh and succeeding days. Although under these circumstances the pilot must be given 24 consecutive hours free of all duty before being assigned any flight duties, the result is that no free time may be given for eight or more days. The intent of the 24 hours free of duty every seven days was to prevent cumulative fatigue. The current abuses occurring with reserve duty -- which is becoming a way of life for airline pilots in the deregulated environment -- and the scheduling of training violate the intent of this rest provision.

Training should be as important as operational considerations. An exhausted pilot will not perform well in training nor readily retain required knowledge.

AIRCRAFT CERTIFICATION AND PERFORMANCE REQUIREMENTS

Parallel to the operational requirements of an airline company are the certification and maintenance of the aircraft flown by that carrier. ALPA believes that the one level of safety philosophy should also extend to these areas of the regulations. ALPA believes that all aircraft in scheduled revenue service should be certificated to FAR Part 25.

Accelerate-Stop

Some accidents and incidents that have occurred have been the result of the differences between Part 23 and Part 25 certification. Part 25 requires that an aircraft be able to accelerate from a standing start to takeoff speed and be able to come to a complete stop while remaining on the runway. However, older aircraft certificated for service prior to 1987 under Part 23 may be incapable of coming to a full stop on the runway. Previous certification requirements allowed the aircraft to decelerate to 35 mph before leaving the runway in lieu of stopping on it. The aircraft may continue off the runway into an unfriendly environment or obstacle on the airport. The current operating rules in Part 135 allow for these older certificated aircraft to continue operating. ALPA believes a date should be established by the FAA for all aircraft to meet the transport category requirements.

Climb: One Engine Inoperative

Most people believe that airliners must be able to fly safely should an engine fail after takeoff. Part 121 and Part 25 aircraft are required to meet stringent obstacle clearance requirements should an engine fail. In fact, takeoff weight limitations are based on the possibility that an engine will fail at the most critical moment of the takeoff. Part 23 aircraft with 19 or fewer seats operated under Part 135 are required only to maintain a positive rate of climb. In some cases, depending upon the location and height of local obstacles, this positive rate may not be sufficient to clear all obstacles should an engine fail.

In addition to basic differences in the certification of aircraft in Parts 23 and 25, there are additional major airworthiness regulations contained in the body of Part 121 that are not in Part 135. An example of this is the requirement for collision avoidance systems. FAR §121.356 required that TCAS II (Traffic Alert and Collision Avoidance System) be installed and operating on all Part 121 aircraft by December 30, 1993. FAR §135.180 not only delayed the installation of the TCAS equipment until February 9th, 1995, but authorized equipment (TCAS I) with fewer capabilities.

The lure of delaying or reducing costs has been so attractive that one airline has already surrendered its Part 121 certificate and begun operating the entire airline under Part 135 simply by removing four seats.

The last mid-air collision of a scheduled air carrier in the United States involved a Part 135 airliner (Atlantic Southeast Airlines, April 9, 1990, Gadsden, Alabama). Statistics show that the lower an aircraft flies, the greater the threat of a mid-air collision. (More than 50% of all TCAS avoidance maneuvers take place at 10,000 ft. or below.) Yet airliners operated under Part 135 are not required to have this equipment on board until 1995.

We can avoid such obvious compromises of air safety by requiring that all air carrier airplanes operated in revenue service be held to the single standard of Part 121.

AIRPORT CERTIFICATION

Our pursuit of regulatory uniformity also requires change to the present FAR Part 139, *Certification and Operations: Land Airports Serving Certain Air Carriers*. With respect to one level of airport safety, it would no doubt surprise many of the traveling public to learn that some of the airports to which they travel on regional carriers are not certificated at all. FAA airport certification requirements currently apply only to airports served by scheduled air carriers operating equipment with more than 30 seats. This regulation's applicability provision is an anachronism from pre-deregulation days that very much needs to be amended so as to provide one level of safety for all commercial service airports.

Additionally, large commercial airports have for many years enjoyed an ability to receive quantities of FAA-purchased safety improvements, or federal funding for same, which smaller airports can only place on a "wish list." The addition of Passenger Facility Charges as another revenue source gives larger airports even greater ability to fund needed improvements.

Conversely, smaller airports do not match the capabilities of their larger counterparts in such areas as aircraft rescue and firefighting equipment, instrument landing systems, taxiway lighting, runway lighting; lighted signs, visual approach path indicators, approach lighting, and other equipment needed for operations at visibilities of one-half mile and below. We believe it is time for the U.S. to institute one level of airport safety by addressing the need for greater safety-related FAA equipment purchases and Airport Improvement Program (AIP) funding for smaller commercial service airports.

This concept dovetails with recent testimony presented by the GAO before the House Transportation Subcommittee, which stated that specific planning goals "would give FAA officials direction for making AIP funding decisions on the basis of how projects could improve the national aviation system."

RECOMMENDATIONS

The pursuit of ALPA's goal of regulatory uniformity for all revenue air carrier operations shall be given the highest level of priority possible by the Air Line Pilots Association. In order to achieve this goal, we recommend that:

1. Congress encourage the FAA to adopt regulations whereby all air carrier operations that provide scheduled revenue service be conducted under a single uniform code of the Federal Aviation Regulations, specifically FAR 121 for aircraft operations and FAR Part 25 (transport category aircraft) for aircraft design and certification.

2. Congress assist the FAA in conducting an overall review of Part 121 and Part 135 operating standards.

3. Congress assist the FAA in conducting an overall review of Part 25 and Part 23 aircraft certification criteria.
4. Congress encourage the FAA to take immediate action to upgrade the training requirements for all scheduled air carriers to FAR Part 121.

5. Congress encourage the FAA to adopt regulations whereby any airport that supports air carrier operations meet the airport certification criteria contained in FAR Part 139 and also be eligible for AIP (Airport Improvement Program) funding.

6. Congress direct the FAA to develop a methodology to ensure that smaller airports receive needed safety equipment, whether through the FAA's Facility & Equipment budget or by revising the AIP entitlement formula so as to achieve one level of safety.

STATEMENT OF
WALTER S. COLEMAN
PRESIDENT, REGIONAL AIRLINE ASSOCIATION

BEFORE THE
HOUSE PUBLIC WORKS AND TRANSPORTATION COMMITTEE
AVIATION SUBCOMMITTEE
THE ADEQUACY OF COMMUTER AIRLINE SAFETY

FEBRUARY 9, 1994

Mr. Chairman and members of the House Aviation Subcommittee, the Regional Airline Association appreciates the opportunity to appear before you today to discuss regional and commuter airline operations and safety.

The number of passengers carried on regional airlines has increased significantly each year since deregulation. Just since 1990, this number has increased nearly 10 million. The role of regional airlines in the nation's national air transportation system expands every day. The air traveler and the communities served are the beneficiaries of this growth and it is important that passengers and prospective passengers have confidence that this element of the air transportation system will provide safe and reliable service.

It is essential that the regional airlines which currently provide service to small and medium sized communities, connecting these communities with the national air transportation system, are able to continue to provide this service at an acceptable cost to the air traveler.

REGIONAL AIRLINE DESCRIPTION

It is important for RAA to define the group that we represent. There are approximately 125 regional airlines providing scheduled passenger and cargo service in the United States. RAA represents 70 of these airlines which fly 93 percent of the regional airline revenue passenger miles. The carriers fly mostly turbopropeller powered twin engine aircraft with 70 seats or fewer on short haul segments connecting mostly smaller communities with larger cities and hubs. Some regionals fly a few of the smaller turbojet powered aircraft seating up to about 90 passengers.

The passenger fleet of the regionals has increased to over 2100 aircraft and the average trip length is just over 200 miles. Forty-four regional carriers have code-sharing agreements with major airlines. Some of the regionals are wholly owned by their major partner, a few are partially owned and two thirds have no ownership by their senior partner.

Many regional airlines have small fleets, about one half of the regional airlines have 9 or fewer aircraft, many are larger and some are quite large with 50 or 70 aircraft and three have over 80 aircraft.

Of the approximately 511 airports receiving scheduled air service in the United States, about 318 receive their scheduled air service only from regional airlines. Many communities depend on the service of regional airlines to meet their air travel needs and the regional airlines know that they must meet the traveler's expectations for safety and reliability.

This is the objective of the member airlines of the Regional Airline Association.

Many of the regional airline aircraft that have been introduced to the regional fleet over the past few years are not only much more sophisticated in their design and their systems than the aircraft they replace or supplement, but many of these smaller turbopropeller powered aircraft have cockpits and other systems which are much more advanced than many of the turbojet aircraft being operated by the major airlines. Approximately one half of the airplanes in the regional fleet are less than six years old.

It should be noted that many of the aircraft that operate in the regional fleet operate under FAR Part 121, because they have 31 passenger seats or more. FAR Part 121 is the regulation that applies to domestic carriers, flag carriers and commercial operators of large aircraft. In fact nearly 30 percent of the aircraft in the regional passenger fleet operate under FAR Part 121 and these aircraft make up fifty percent of the available seats in the regional fleet. Aircraft with 30 seats or fewer operate under FAR Part 135. The differences between these two parts of the Federal Aviation Regulations, have undergone a steady reduction. That is, many of the regulations that are required for carriers operating under FAR Part 121 have also become requirements for airlines operating under FAR Part 135.

In the cockpit, in addition to more and more aircraft with advanced systems, we have an increasingly experienced regional airline pilot workforce. In recent years, the reduction in the rate of hiring by the large air carriers has contributed to an increasing number of qualified pilots seeking employment with regional airlines. Speaking of experience and qualifications, it should be noted that the captains, the pilots in command, of regional airline aircraft, have the same air transport pilot rating that captains of the largest turbojet have.

RESPONDING TO REGULATORY REQUIREMENTS

Many equipment requirements for aircraft operating under FAR Part 121 have been applied to most Part 135 aircraft. The equipment requirements include cockpit voice recorders, digital flight data recorders and, effective April of this year, ground proximity warning systems.

The requirements to carry some of this equipment have posed a space challenge for regional aircraft The smaller diameter of the fuselage of regional aircraft provides very little space for adding equipment. On some aircraft it has been necessary to use space that previously had been for passenger storage to locate some of the new electronic equipment. As new equipment requirements have been added, it has become increasingly difficult to find space on the aircraft to install some of it.

One of the most critical elements in aviation is the management of weight. This has a particular importance in commercial aviation as passengers and cargo are the payload. The difference between the airplane weight plus fuel and crew and the allowable takeoff gross weight provides for the payload. Airplanes are designed to achieve specific objectives in payload and they are purchased by airlines because they meet the needs of the air carrier in their planned operation.

The attention to the weight of an aircraft and the payload potential is not limited to regional airplanes. It is just as important to operators of large turbojets. However, a requirement to add a 40 pound piece of equipment to a 200,000 pound turbojet has less of a proportional affect on the payload than adding it to a 17,000 pound regional aircraft. The economics of commercial operation is obviously affected by a reduction in payload capacity and what may appear to be rather modest requirements for equipage could result in some aircraft no longer meeting their revenue potential and being removed from service.

There is a new piece of equipment which has a potential of replacing others and thus reducing the current equipment weight and that is the technology associated with the Global Positioning System or GPS. GPS holds great promise, some of which is being currently achieved, for improving both enroute and terminal navigation and for making precision approaches to runways independent of the usual ground based systems. Mr. Chairman, I know that you are very well informed on this subject as are many others, partly as a result of the well-timed hearing that you held here last year.

OPERATIONS AND SAFETY

Regional airlines accidents have declined over the years both in numbers of accidents and rates per 100,000 departures. For Part 135 carriers, the rate of accidents per 100,000 departures, over the past ten years is less than a third of the rate of the previous ten years. And wthin the last ten year period, the five year period ending in 1993 has an accident rate that is 20 percent lower than the first five years of this decade.

The improved numbers and rates are encouraging. However, there is not an acceptable rate or acceptable number of accidents. The regional airlines and others within the aviation community, are committed to improve regional airline aviation safety and reduce the numbers even further in the near term.

THE SUBJECT OF THIS HEARING

The subject of this hearing is "The Adequacy of Commuter Airline Safety." Are commuter and regional airlines safe? The answer is yes. Should we continue our efforts to make them safer? The answer is yes. Our task then, is to identify what specific actions the aviation community, that is the airlines, the FAA, the aviation unions, this committee and others, should take to make safety improvements.

We must examine closely what actions, including equipment, training and procedural changes we have embraced, to determine their contribution to safety and identify what elements need to be changed or augmented to realize reduced numbers of incidents and accidents. We, as a community must make these determinations carefully and accurately so that we can apply the resources we have to achieve the safety objectives we envision.

Mr. Chairman, we look forward to working with you, with Administrator Hinson, Chairman Vogt and others to achieve continued improvements in regional and commuter airline safety. Thank you.

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COMMUTER AIRLINE SAFETY AND THE CONSUMER

Statement of Geraldine Frankoski
Aviation Consumer Action Project

before the

Subcommittee on Aviation
Committee on Public Works and Transportation

Washington, D.C.
9 February 1994

On behalf of the Aviation Consumer Action Project, I would like to thank you for the invitation to speak today on a subject of considerable interest to the traveling public: commuter airline safety.

Founded in 1971, ACAP is the only non-profit consumer organization working full-time on aviation issues, and it is funded by contributions from the public. ACAP has long worked toward improving commuter airline safety, and has participated in federal rulemaking initiatives both prior to deregulation and in the ensuing period of geometric growth for commuter carriers.

When Congress passed the Airline Deregulation Act of 1978, it spelled out many goals, one of which was the "maintenance of safety as the highest priority." At that time, Congress spoke of the "prevention of any deterioration in established safety procedures, recognizing the clear intent, encouragement, and dedication of the Congress to the furtherance of the highest degree of safety in air transportation and air commerce, and the maintenance of the safety vigilance that has evolved within air transportation and air commerce and has come to be expected by the traveling and shipping public."

How the federal government and the industry achieve this goal of affording the traveling public the highest degree of safety is the challenge before us. It is a subject which has concerned ACAP for a number of years, and remains an area of strong interest for consumers.

In 1976, we published a report which for the first time quantified the gap in accident rates between commuter aircraft and major carriers. At that time the accident rate for commuters -- 1.53 accidents per 100,000 departures -- was nearly three times that of larger aircraft. Subsequently, a major rewrite was undertaken of the regulations pertaining to Part 135 of the Federal Aviation Regulations, the part that governs commuter airline operations. This rewrite, designed to help provide commuter passengers with a level of safety comparable to that which they enjoy on major carriers, led to tougher standards in some areas, and much room for improvement in others.

Nearly twenty years after ACAP's report was published and Part 135 regulations were upgraded, we have seen a decline in the overall commuter accident rate, which for 1993 was 0.51 accidents, and in 1992, 0.76 accidents, per 100,000 departures. While this marks a general decline in the accident rate over the past decade, the alarming disparity between the accident rates of Part 121, which governs major carriers, and Part 135 remains constant. In fact, in 1992, commuter aircraft suffered accidents at a rate three and a half times that of Part 121 carriers, an even greater gap than in 1976. And in 1991, the commuter accident rate exceeded by a factor of 2.5 the rate for larger aircraft.

More alarming still is the fact that the fatal accident rate for Part 135 exceeds that for Part 121 by an even greater margin. Last year, commuter airlines experienced nearly 10 times the fatal accident rate for major carriers (0.127 versus 0.013 fatal accidents per 100,000 departures), and this large margin is not an anomaly. Over the past ten years, the fatal accident rate for Part 135 has averaged nearly six times that for Part 121 carriers, with the greatest difference in 1984, when fatal commuter accidents outstripped those on major carriers by fourteen times.

These statistics would indicate that a comparable degree of safety has not been achieved between commuters and major carriers. We recognize that this is a tall order, given the nature of commuter airline operations which can include more turbulent conditions and a higher frequency of takeoffs and landings, but feel it is critical that we strive to achieve this goal.

Of those areas of Part 135 needing improvement, the issue of flight/duty time limitations has remained controversial within the aviation community. Flight/duty time limitations were discussed as far back as 1972, when the National Transportation Safety Board held an *en banc* hearing on commuter airline safety. At that time, the FAA indicated it was considering more stringent regulation of flight/duty time limitations, which it considered again several times over the next two decades. The FAA has been considering this question for twenty years, yet the need for further action remains acute. In 1988 and again in 1992 , regional airline pilots testified to this subcommittee that exhausting commuter flight schedules, which often stretch beyond the maximum eight hours between rest periods, can have a detrimental effect on performance in the cockpit.

Working with an overburdened air traffic control system and increasingly congested hub airports, the commuter airline pilot plays a critical role in maintaining an adequate margin of safety for himself and the passengers he carries. Yet in the interest of "flexible scheduling" for the regional carriers, pilots can be expected to work duty days of up to 16 hours with as many as 10 landings, and still fly with the highest level of proficiency. Consequently, the traveling public may be exposed to an increased level of risk -- too high a price for flight scheduling flexibility.

Speaking to some of the implications of flight/duty time limitations, the president of the Regional Airline Association in 1992 told this subcommittee that airlines must "constantly balance our service to customers with safety." Presumably, having flexible flight/duty time standards permits the airline to provide better service by assuring passengers their flight will continue without interruption to their final destination. Yet in those cases where delays might push duty time beyond its allowable maximum, if such limits were to be mandated, it should be the airline that is called upon to go the extra mile, and not the pilot and passengers. If weather or air traffic control delays were to prevent timely flight operations, the air carrier would have ample opportunity as the duty time deadline approached to have reserve crews ready and waiting, and so would still be able to provide seamless service to passengers.

If a delay is caused in the name of safety, service becomes a secondary concern. And, as any flight attendant will testify, passengers can become irritated not only at delays, but also at having to limit the amount of carry-on luggage they can have, having to wear their seat belt in turbulent conditions, or not being able to smoke on most flights. Yet in each of these cases, safety concerns rightly outweigh those of comfort and service, and most passengers adapt easily.

Since we are a consumer group, I would like to briefly address public perceptions of commuter airline safety. We hear many anecdotes about how passengers vaguely feel that travel on smaller planes is "less safe" than jet travel. Yet public opinion on Part 135 regulations is difficult to gauge, because the commuter airline, through code-sharing, is essentially obscured from public view. Many passengers are unaware that code-sharing arrangements, which allow a commuter flight to be listed in computerized reservation systems using the code of a major carrier, do not necessarily imply any ownership or operation by that carrier.

A passenger, then, might assume that everything he knows about the safety record and financial health of his chosen carrier applies to every leg of his trip. After all, nothing on the ticket indicates that travel services are being provided by more than one company. In fact, exactly the opposite is true. The ticket and boarding pass list only one carrier, and usually even the cabin crew wears the uniforms of the major airline with whom the commuter shares a code. In effect, it is difficult for passengers to make informed choices about air travel, given that a carrier name may imply to consumers a certain level of safety, service, or on-time performance which does not necessarily apply to a commuter airline using a similar name.

This very "name-sharing" question is being addressed right now within the banking industry. A campaign is under way to clearly disclose to consumers that mutual funds are not insured by the Federal Deposit Insurance Corporation, even though the funds may bear a name identical or similar to the bank name, and are sold in a bank whose accounts are insured. The Office of the Comptroller of the Currency, the Office of Thrift Supervision, and the North American Securities Administrators Association have all said that promoting both insured and uninsured products under the same company name is unfair to consumers, leading them to believe that the same set of regulations apply equally to each service provided.

At ACAP, we are concerned that an analogous situation exists in the airline industry with respect to commuter airlines: these carriers operate under a different set of regulations, yet using a similar name obscures this distinct identity from consumers. So if code-sharing is here to stay, what can be done to help consumers make informed choices about air travel? Travel agents, who sell in excess of 85% of airline tickets, could be encouraged to advise passengers that their flight is booked on a commuter carrier which is neither owned nor operated by the major airline, when this is the case. This is a modest suggestion to help consumers make informed decisions before they fly.

Yet even informed consumers can't seem to escape hearing the same factors and recurring problems in commuter airline safety being cited year after year. In our 1976 study, we found a strong correlation between commuter accidents and pilots who had below-average number of flight hours. Today, the accident record, according to NTSB, shows two-thirds of commuter accidents involving deficiencies in pilot training, judgment and experience.

Certainly, even good regulations and solid enforcement will not solve every problem and make commuter travel totally risk-free. But we are hopeful that the FAA will respond to the challenge to make safety regulations comparable among all scheduled passenger carriers, and that the gap that now exists in safety between commuter carriers and major carriers will soon be closed.

I appreciate the invitation to testify and will be happy to respond to your questions.

Thank you.

STATEMENT OF THE HONORABLE DAVID R. HINSON, FEDERAL AVIATION ADMINISTRATOR, BEFORE THE HOUSE COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION, SUBCOMMITTEE ON AVIATION, CONCERNING COMMUTER SAFETY REQUIREMENTS. FEBRUARY 9, 1994.

Mr. Chairman and Members of the Subcommittee:

I welcome the opportunity to appear before you today to discuss the topic of commuter airline safety, which is an issue of longstanding interest both to the Subcommittee and the FAA. We appreciate both the support and leadership this Subcommittee has shown in this area. Accompanying me today is Tony Broderick, FAA's Associate Administrator for Regulation and Certification.

Commuter airlines, which are covered by Part 135 of the FAA's safety regulations, are an integral part of our Nation's air transportation system, providing safe air transportation to millions of travelers each year. With the advent of airline deregulation in the late 1970's, the role of the commuters became increasingly important, particularly for those in small or rural communities. Their role remains vitally important today.

As the commuter airlines have adapted to changes in the air transportation industry, we have seen pronounced changes in that segment of the industry. Today, there are approximately 140 commuter airlines compared to about 250 in 1978. We have seen a major trend toward integration of operations with the major and national carriers, along with a consolidation of commuters to form larger commuter airlines.

Parallel to these changes has been a dramatic change in the commuter fleet composition. Whereas the earlier fleet was predominantly comprised of smaller, general aviation-type aircraft, today's fleet is made up increasingly of newer, larger aircraft. Average seats per aircraft, for example, have grown from 11.9 in 1980 to 23.4 in 1992. In 1978, commuters flew 667 aircraft in the 1-9 seat category; today, they operate only 489 aircraft of that size. Aircraft in the 10-19 seat category have nearly tripled from 1978 to today, from 270 to 796. We have seen a sixfold increase in the 20-30 seat category aircraft during that same time, from 36 up to 210. In annual flight hours, operation of 20-30 seat aircraft has grown from 34,000 in 1978 to 591,000 in 1992.

Since deregulation, we have seen a steady increase in commuter airline activity. Commuter operations, measured in aircraft hours flown, have grown from 1.3 million in 1978 to nearly 2.4 million in 1993. Despite the adverse economic conditions that so affected the major carriers over the past several years, the commuters were relatively unaffected, and we forecast that they will continue to outpace the larger airlines.

In anticipation of an increasing reliance on commuter airlines that would result from a deregulated airline industry, the FAA totally rewrote its Part 135 regulatory standards for commuter airlines in 1978. That revision dramatically increased the safety requirements for the commuters, helping to bridge the wide gap that had existed between commuter and Part 121 safety standards. Each commuter airline was then recertificated by the FAA to assure that it met those higher standards.

Following the issuance of the upgraded Part 135 standards, we have experienced a long-term improvement in the safety record for the commuters. In 1978, the accident rate for commuters per 100,000 hours was 4.685; in 1993, it was .718. Under any measure, and despite occasional spikes in a given year that may occur due to the generally low numbers of accidents overall, the commuter safety record has shown improvement. The chart attached to my prepared statement reflects that fact.

In fact, last year we enjoyed the second lowest recorded accident rate ever for the commuter airlines. Overall commuter accidents dropped to 16 from the 23 experienced in 1992. The number of fatal accidents also decreased from 7 to 4. Unfortunately, we experienced an increase of 3 fatalities over the 1992 record, attributable to the tragic accident in Hibbing, in which 18 lives were lost. If we apply the 1978 commuter accident rate per 100,000 flight hours to 1993 traffic levels, we would have experienced 111 accidents last year rather than 16. The same analysis shows there would have been 25 fatal accidents, instead of the 4 that occurred.

While the earlier upgrade of the commuter rules narrowed substantially the differences between the rules for the Part 121 carriers and the commuters, differences did remain. Therefore, since 1978, the FAA has issued approximately 40 additional rule changes further upgrading commuter safety requirements. Recently, for example, the FAA has required the implementation of new de-icing requirements as well as the carriage of Ground Proximity Warning Systems.

Although the commuter safety record has been improving, there are additional actions we can take to bring additional improvement. To that end, I earlier instructed my staff to analyze the commuter record with a view toward identifying additional safety actions we should consider. An analysis of that record shows that the human factors element is associated with more than 70% of commuter accidents. For that reason, we concluded that changes in pilot training should be considered. We are currently developing a rulemaking proposal for issuance later this year that will propose the adoption of upgraded pilot training requirements for the commuters. Our proposal will seek comments on applying Part 121 pilot training standards to Part 135 operators, and will focus on the benefits of cockpit resource management training for commuter flightcrews.

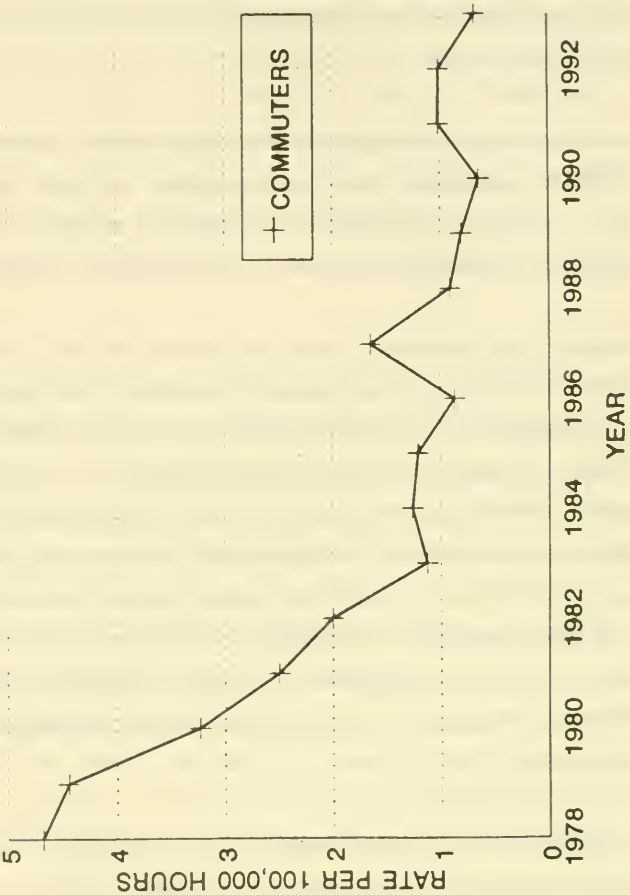
We believe that, in the near-term, improvements in pilot training and coordination could provide the maximum safety benefit for commuter passengers. The NTSB's recently released study of 37 aircraft accidents confirms for us that our approach that will address crew resource management and enhanced training is the right path to follow.

I have also asked Tony Broderick to review other areas, primarily in aircraft equippage, where our standards for Parts 135 and 121 differ. If this review identifies other areas where changes are appropriate, I assure you we will not hesitate to make them.

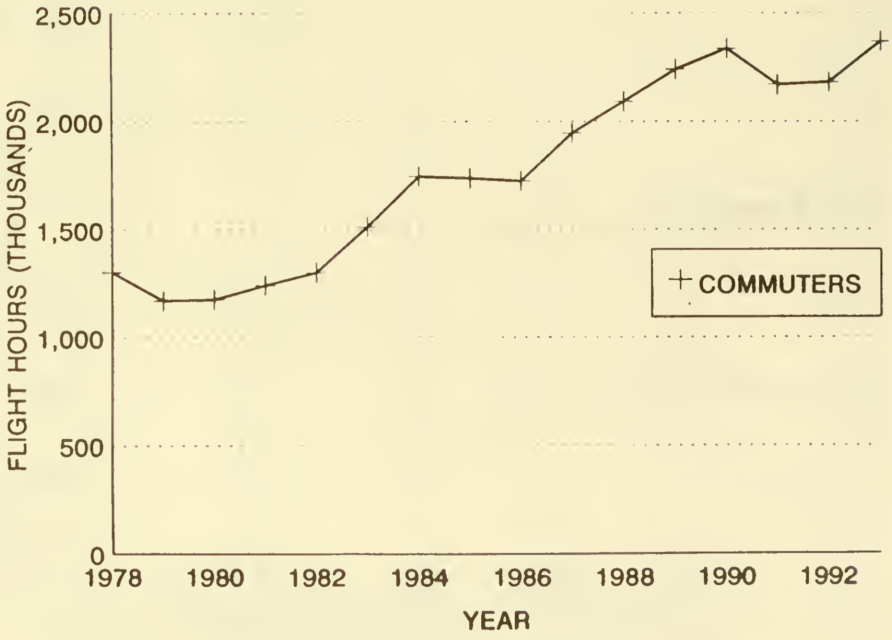
In closing, Mr. Chairman, I want to stress the FAA's commitment to assuring the safety of our commuter industry. The record shows that the efforts we and industry have made so far have provided a high level of safety for the traveling public. In addition, the reasoned and diligent oversight of this Subcommittee has provided impetus to these efforts. Nevertheless, there is more we can do to continue to improve upon this safety record, and we will do so. We appreciate your longstanding interest in this critical segment of our air transportation industry, and look forward to your continued support of our efforts to seek additional improvements.

That completes my prepared statement, Mr. Chairman. We would be pleased to respond to questions you may have.

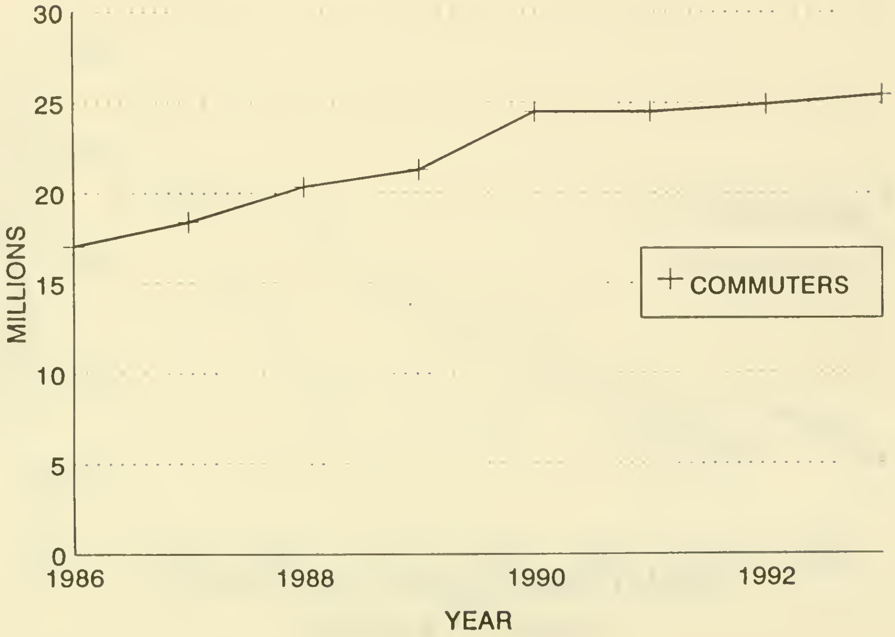
ACCIDENT RATES
FOR PART 135 COMMUTERS



FLIGHT HOURS
FOR PART 135 COMMUTERS



PASSENGER ENPLANMENTS FOR PART 135 COMMUTERS



Mr. Chairman and members of the Committee, the Airline Dispatchers Federation appreciates your inviting us here today to present our views on aviation safety, and we thank you for the opportunity to share our concerns regarding Air Taxi and Commercial Operators regulated by Part 135 of the Federal Aviation Regulations.

My name is Mike Nadon, President of ADF. With me today are: Bill Cranor, Airline Dispatchers Federation Executive Vice President; Steve Horton, ADF Vice-President; Miro Lehky, ADF Vice-President for Regional Airlines; and Giles OKeeffe, ADF Regulatory and Training specialist. These individuals are experienced experts in the various areas which will be of interest to the Committee.

Our 1200 members are currently employed by over 50 air carriers and are involved full time in daily operations as aircraft dispatchers, operations managers, and other related specialties. Our testimony before this committee reflects the beliefs of the Airline Dispatchers Federation, but not necessarily those of our various employers.

The Airline Dispatchers Federation was formed to promote aviation safety through positive operational control. As defined in Part 1 of the Federal Aviation Regulations, "operational control", with respect to a flight, means the exercise of authority over initiating, conducting or terminating a flight.

Positive operational control means that each and every flight is operated under the joint responsibility of a pilot-in-command and a licensed aircraft dispatcher. The pilot-in-command and the dispatcher must each sign a legal document which specifies the flight to be operated, and the precise parameters under which that operation will be conducted. Both are responsible for the safety of the flight.

Both, by their signatures, accept personal responsibility for that flight. If either the pilot-in-command or the aircraft dispatcher decide that the flight can not be conducted safely, then the flight can not operate; This ensures a level of safety based on checks and balances, both on the ground and aloft, and prevents flights from operating into conditions which may endanger the aircraft and its occupants. If conditions change while the aircraft enroute, the pilot-in-command and the dispatcher must consult with each other and jointly decide upon a new, safe plan of operation. Conditions which could adversely affect the safety of the flight include icing, thunderstorms, runway closures, field conditions, or air traffic delays. Through close communication, the Pilot, Air traffic controller, and Dispatcher constitute a safety PAD, which is second to none...safety ensured by positive operational control. Part 135 does not require the positive operational control that results from joint responsibility.

The ADF believes that the higher fatality rates for Part 135, evidenced in NTSB reports, are partially attributable to the documented pitfalls of single authority decision-making as opposed to joint decision making. [1]

NTSB reports indicate that the 1993 fatality rate for Part 135 was 21 times the rate for Part 121. While this alarming disparity appears to go unnoticed by the traveling public, it must be addressed by this Committee. [2]

The ADF's concerns regarding safety levels for Part 135 operations are twofold:

First, Part 135 fails to establish requirements regarding the qualifications and training of those responsible for operation control. We believe this to be a major contributor to the Part 135 accident rate.

Our second concern is that under Part 135, the pilot-in-command must research changing conditions during flight...which forces a reduction in the attention required to fly the aircraft. Under Part 121, the dispatcher is required to notify the pilot-in-command of changing conditions. We are certain that if Part 135 pilots were given the necessary time to brief themselves thoroughly on all conditions prior to departing on each flight leg, there would be an improvement to the Part 135 safety record.

The reality is that Part 135 operations routinely have scheduled ground times of less than 15 minutes. If the Part 135 pilot-in-command were to review all the necessary information, plan the flight, the fuel load, choose alternate airports, and calculate the necessary performance and weight and balance functions, very few Part 135 flights would operate on-time. Additionally, given the nature of Part 135 operations at many airports, access to weather maps, phones, and/or computerized information requires the Part 135 pilot to leave the aircraft...this creates a lose-lose scenario:

If the pilot takes the time to enter the company operations area and seek out necessary information, he risks delaying the flight. Subsequently, he will be rushed in his flying duties, and risk ending up behind the curve.

If the pilot instead spends the ground time supervising fueling or other aircraft servicing, he may miss the opportunity to discover vital information which could influence his decision to operate the flight.

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[1] NASA Report, Cooperative Decision Making

[2] NTSB, Preliminary 1993 Accident Data.

The Part 121 dispatcher prepares a concise briefing for the pilot-in-command to review. The Part 121 pilot-in-command can focus on the prepared operational plan as provided by the dispatcher, without being distracted from the primary function of flying.

Once the Part 135 flight is enroute, the two-pilot crew must deal with the same tasks as a Part 121 crew operating in the same airspace. The Part 135 pilot-in-command, however, has an additional task: to actively seek out and adjust for changes to weather, traffic, field conditions, and the like, which may adversely impact the safety of that flight.

When such conditions are found, the Part 135 pilot-in-command must develop a new plan to avoid those conditions. The Moshansky Commission Report gives insight with regard to the consequences of this method of obtaining information. [3]

Part 121 dispatchers access voluminous amounts of data related to weather, airport conditions, air traffic congestion, and customer service issues. The expert assistance provided by the Part 121 dispatcher permits the Part 121 pilot-in-command to concentrate on flying the aircraft, and results in a much safer operation.

In addition to our primary concerns, the Airline Dispatchers Federation has other safety concerns about Part 135 operations.

When the traveling public buys a ticket on a Part 121 air carrier they may find that one of the segments of their trip is on a Part 135 carrier and still another segment is on a Foreign Carrier operating under Part 129 regulations. The Airline Dispatchers Federation is gravely concerned by the differing levels of safety of each operation which are masked by the use of a Part 121 Carrier's name, reputation for safety, and even the paint scheme of the aircraft..

We hope the committee will explore these secondary issues but we will focus on our area of expertise; positive operational control, and specifically how it can be applied to Air Taxi and Commuter operations.

We recommend that the FAA amend the regulations to require that all scheduled air carrier operations, with aircraft having 10 or more seats, be conducted under Part 121 Domestic and/or Flag rules. The ADF further recommends that any air carrier operating under a code-share agreement and/or wet-lease with a U.S. Part 121 Domestic and/or Flag air carrier be required to provide the same level of safety, by operating under the same Part 121 Domestic and/or Flag rules.

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[3] The Moshansky Commission Report, Task Group 9, Recommendations.

The Airline Dispatchers Federation believes this will not only raise the level of safety in general, but will ensure that the traveling public receives what they believe they have purchased: travel on the safest air transportation system in the world.

The Airline Dispatchers Federation thanks you for this opportunity to speak with you today and we would like to assure you that we share your concerns for a safe as well as a strong and competitive U.S. airline industry.

DISTRIBUTED PROBLEM SOLVING BY PILOTS AND DISPATCHERS

Judith Orasanu
Mike Wich
Ute Fischer (NAS/NRC Reseach Associate)
Kim Jobe
NASA-Ames Research Center

Elaine McCoy
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Roger Beatty
Airline Dispatchers Federation

Phil Smith
Ohio State University

"The pilot in command and the aircraft dispatcher are jointly responsible for the preflight planning, delay, and dispatch release of a flight in compliance with this chapter and operations specifications."
FAR 121.533

By law the dispatcher and pilot share responsibility for flight planning, replanning, and release. But practically speaking, is there an advantage to having more than one person involved in these flight planning decisions? Is is true that two heads are better than one? If we look to the social psychology literature, we find equivocal answers. If each individual makes a unique contribution to the solution, then having more than one person involved can improve the solution. Or multiple participants may increase the likelihood that one person in a group will have the "right" answer. On the other hand, groups can go wrong through "groupthink" or collective ignorance. In groupthink, groups go along with a wrong solution proposed by a high status member in order to preserve group harmony (Janis, 1972). Or groups may gain confidence from their numbers, but still be plain wrong.

When multiple participants who are all knowledgeable about a task contribute to an effort in a complex work environment such as aviation, they may perform better than any one of them working alone for a number of reasons. In addition to unique contributions of knowledge or perspectives (already mentioned), they may pool their resources in a number of ways. monitoring the situation and each other, correcting errors and providing feedback on plans or actions

In order to address this question specifically in the flight planning arena, we conducted a small preliminary study involving dispatchers and pilots. The question we addressed was:

Are flight planning problems solved differently by PILOTS and DISPATCHERS when they work alone versus when they work together?

Aspects of their performance that were of interest include the following:

- -- Problem perception and definition
- -- Problem solving strategies and information use
- -- Options considered
- -- Solution and rationale
- -- Errors

METHOD

A total of 23 subjects participated in the study, 11 pilots, and 12 dispatchers All worked for the same airline Half of each group worked in teams of two (Dual condition), the remaining worked alone (Solo condition), as shown in the following table:[1]

This was a very low-technology experiment, conducted in motel rooms, with Dual teams communicating via telephone from room to room. Each participant was asked to solve two problems dealing with placarded systems prior to take-off. Only the second problem was scored, the first being used as a practice problem.

Following is the scenario for the second problem, just as it was read to each participant:

"You are scheduled to fly an MD-80 from DFW to

IAD with Washington National as an alternate. It is 20 minutes before departure and the pilot is given a request to placard the approach-idle on the aircraft as inoperative, Placard 73-7."

The following materials were provided to each participant: Flight plan, current and forecasted weather for DFW, IAD, and DCA, runway conditions at those airports, DFW departure plan, takeoff and landing weight computation forms, Jeppesen Manuals, and an Airport Analysis Manual that included the minimum equipment list (MEL) and placard adjustments. A critical piece of information buried in these materials was the forecasted weather for the northeast: Rain showers were forecast for DCA, the alternate.

After they completed each problem, we asked each participant several questions about their solutions to determine if they had considered any options other than the one they finally chose and their rationales for their final choices. Video and audio tapes were made of each session so that we could see which materials were used and how calculations were done.

Analysis. A master training videotape was prepared by the Airline Dispatchers' Federation illustrating the correct solution path (Figure 1). Each Solo solver and Dual team was scored according to whether critical behaviors were accomplished from each of the elements in the path and in what order. This prototype solution path allowed us to track where participants went wrong when they did not arrive at the correct solution, as the prototype describes both actions and their outcomes. Although we did not require them to describe what they were doing, many participants provided a verbal commentary as they worked. Of course, in the Dual condition the pairs provided verbal reps via their phone conversations.

The critical feature of this problem was awareness of the potential overweight problem landing at DCA (the alternate) if the runway was wet due to the MEL restriction, and the consequent need to change the flight plan or the aircraft. Solvers could become aware of this problem immediately upon reading the background material, i.e., the forecasted weather and the MEL, or they could become aware of it only after going through all the required computations.

Five levels of problem awareness were specified, as shown in Figure 2. The source of problem awareness was also noted: calculations, materials such as MEL or manuals (without doing calculations), relevant past experience, and/or other participant (in Dual condition).

RESULTS

Problem Awareness Levels. First we examined problem awareness levels. All of the Dual teams achieved Level 5 awareness, that is, they realized the need to change the aircraft or the flight plan. Only three out of five Solo pilots and four out of six Solo dispatchers reached this level of awareness. We also noted the initial awareness level, which is the level of awareness they evidenced after reading the problem but before doing any computations. With no initial awareness, all would be expected to begin at Level 1 and proceed to Level 5 if they followed the prescribed solution process. One Solo pilot and two Solo dispatchers demonstrated Level 3 at the outset, while four of the Dual teams jumped in at Level 2, 3 or 4.

Solution Strategies. Each participant's solution path was examined to determine whether or not the essential computations were completed. Essential computations were defined as those that yielded the conclusion that the aircraft would be overweight for landing at DCA due to the need to adjust the usable runway length for a wet runway and the placarded system. Sometimes a participant did partial computations and jumped to a conclusion which may or may not have been justified verbally. Or computations could be truncated because the solver did not think any more were needed. Solution strategies by each group are summarized in Table 2:

Clearly, dispatchers were more likely to do the essential computations than pilots, regardless of whether they worked alone or in a team. The five pilots in the Dual condition who did partial computations relied on the dispatchers to do the full computations. When they worked alone, pilots rarely did the full computations (1/5); two of them did partial computations and then jumped to the conclusion, using their prior experience. The two pilots and the one dispatcher who truncated their computations were those who did not have full problem awareness (never reached Level 5). They did not appreciate the potential problem of landing at DCA if runways were wet, given the placarded system.

Solution Choices. Of the numerous potential solutions to the problem, only four were actually considered by any of the participants and only two were final choices (Table 3).

When we compared problem awareness levels with solution choices, we found that 100% of those who reached Level 5 awareness chose to change the alternate as their solution. No one chose this solution who had not reached Level 5 awareness. The two solo pilots who opted for No Change as their solution only reached Level 2 awareness: They did not consider the DCA landing requirements. One solo dispatcher who opted for No Change was unaware of the MEL landing restriction; the other solo dispatcher was aware of the landing restriction, but assumed a dry runway at DCA and thus reached a different conclusion in his computations.

Interactional Strategies. Pilots and dispatchers working together could distribute the work in several ways. Table 4 summarizes the strategies they used:

Given the nature of the problem and the fact that both had all relevant materials close at hand, it is not surprising to see parallel independent solutions as the dominant strategy. This is perhaps more efficient than solving interactively, given the additional verbalization presumably required to do so.

Errors. Since we collected self-reports of computations and we had the tapes of verbal interactions, it was possible to identify the types of errors that were committed, and sometimes to detect corrections. Corrections were more difficult to detect in the solo than in the dual condition because of the absence of verbalization (Table 5).

Dispatchers made the same number of errors in the Dual and Solo conditions, but in the Dual condition these errors were likely to be corrected, either by themselves or by the pilot. In one case a dispatcher became aware of an error while describing the solution to the pilot. This type of verbal review may serve as a check. Pilots made somewhat more errors in the Dual than in the Solo condition, but replication will be needed to bolster our confidence in this finding.

Solution Time. Solution times were calculated for each individual (in the Dual condition one person may work faster than the other). We began timing when they finished reading the scenario. Solo pilots took almost twice as long as Solo dispatchers (18.0 minutes vs. 9.7 minutes). Pilots and dispatchers in the Dual condition required an intermediate amount of time (13.1 minutes vs. 13.8 minutes). The difference between pilots and dispatchers is somewhat surprising, given that the dispatchers were more likely to have done the complete computations than the pilots. Comparison of solution times with final solutions indicated that a sizable percentage of the very fast (< 8 min.) and very slow (> 18 min.) individuals did not achieve the optimal solution of changing the alternate. The very fast ones seem to have been careless; the very slow ones seemed to lack understanding of how to proceed.

SUMMARY AND CONCLUSIONS

How participants solved the problem depended on whether or not they appreciated the implications of the placarded system for landing: IF the plane needed to divert, and IF the runway was wet at their alternate (rain showers were forecasted for DCA), then the aircraft would be overweight for landing, given the inoperative approach idle. The optimal solution (safe and efficient) was to change the alternate, rather than to try to lighten the plane, fix it, swap it, or go alternate-none.

Two striking findings emerged from the study: First, the solution of changing the alternate was 100% predicted by awareness of the potential overweight landing problem at DCA. If solvers were not aware of this potential problem, then they concluded that no change was needed. The second striking finding was that all Dual teams (dispatcher and pilot working together) fully appreciated the implications of the placarded system, whereas only about two/thirds of those working alone were aware. Thus, all the Duals chose the solution of changing the alternate, but several of the Solo solvers did not. Exactly how working together over the phone brings about greater awareness of the implications of presented facts is not apparent from this study.

Three possibilities are suggested by the data: First is resource pooling. It appears that the Dual condition produced complementary skills. Dispatchers brought knowledge of the procedures for arriving at a thorough solution and did complete computations. Pilots brought their experience with the actual airports. Between them they had more complete resources needed to deal with this problem. A second benefit of the Dual condition is the possibility of error correction, either through redundant task processing (each solves the problem and then answers are compared) or by monitoring each other. A third possibility is increased self-monitoring. Knowing that you will have to justify your recommended solution to someone else may increase your sense of accountability and increase the likelihood of checking your own work Which of these hypotheses accounts for the data and whether similar findings would be found with other types of problems remains to be addressed in future research. But the findings from this study are clear: Two heads can in fact be better than

Table 4. Interactional Strategies (Dual condition only)

Number of Cases	Strategy
3	Pilot and dispatcher solved independently, checked each other
1	Dispatcher solved, explained to pilot
1	Neither did complete computation; conclusion based on pilot's recent experience with same airports
1	Pilot and dispatcher solved interactively

Table 5. Types of Errors and Corrections

	SOLO		DUAL	
	Pilots	Dispatchers	Pilots	Dispatchers
Types of Errors				
Incorrect Data	0	0	1	2
Faulty Calculation	0	1	1	1
Inaccurate Interpretation	3	3	4	1
TOTAL ERRORS	3	4	6	4
Self Corrections	1	0	0	2
Other Corrections	0	0	0	1

Figure 1. Prototype Solution Path

ACTIONS	OUTCOME
1. Read MEL and Check Flight Plan -------------------------------- >	*Potential* problem landing at DCA
2. Check DFW Airport Info/ Weather DFW Calculations --------->	No takeoff restriction
3. Check IAD Airport Info/Weather IAD Calculations ------------->	No landing restriction
4. Check DCA Airport Info/Weather DCA Calculations ------------>	Landing weight restriction if runway is wet
5. Consider Options (Fix plane)-------------------------------------- >	Change Alternate (Change plane)(most safe and efficient solution) (Lighten plane) (Change alternate) (Alternate None) No Change)

Figure 2. Problem Awareness Levels

Level

1 DFW: Need to calculate MEL restrictions for takeoff

2 IAD: Need to calculate MEL restrictions for landing

3 DCA:
a) Need to calculate MEL restrictions for landing
b) Need to check forecasted weather

4 Recognition that DCA is going to be a problem due to:

a) Short runways
b) MEL adjustment (-1850 ft.)
c) Forecasted wet weather
d) "Overweight for landing"

5 Need to alter flight plan or aircraft

1. Twenty-nine dispatchers volunteered and were run in the study, but to keep the numbers ofSolo pilots and dispatchers even, we selected a subset of dispatchers for the Solo condition who were matched on five background variables to the dispatchers in the Dual condition.

one.

ACKNOWLEDGEMENTS

We wish to express our sincere appreciation to the participating airline for its cooperation in obtaining participants (both pilots and dispatchers) and for providing transportation for our student research assistants to collect data. We are also indebted to the Airline Dispatchers Federation for their efforts in developing the problem scenarios, preparing the training videotape, and for their assistance in developing the coding scheme. We also thank Dan Albers for his valued assistance in running subjects, transcribing tapes, and organizing the data.

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Table 1. Number of Pilots and Dispatchers in each Condition

	SOLO	DUAL
PILOTS	5	6
DISPATCHERS	6	6

Table 2. Solution Strategies

	SOLO		DUAL	
	Pilots	Dispatchers	Pilots	Dispatchers
Essential Computation	1	4	1	5
Partial Computation	2	1	5	1
Truncated Problem	2	1	0	0

Table 3. Solution Choices

	SOLO		DUAL	
	Pilots	Dispatchers	Pilots	Dispatchers
Final Solution				
Change alternate	3	4	6	6
No change	2	2	0	0
Solutions Considered and Rejected				
Change alternate	3	4	6	6
No change	2	2	1	0
Alternate None	0	1	0	1
Fix aircraft	1	0	0	0

National Transportation Safety Board
Washington, D.C. 20594

Safety Information

Testimony of

Carl W. Vogt, Chairman

National Transportation Safety Board

before the

Subcommittee on Aviation

Committee on Public Works and Transportation

House of Representatives

Regarding

Commuter Airline Safety

February 9, 1994

Mr. Chairman and Members of the Committee, I am always pleased to appear before you to discuss issues about the safety of the commuter airline segment of our nation's airline industry.

I know that the Committee has had a long-standing interest in the safety of commuter airlines and has held previous hearings on this subject. That interest has certainly been justified as the structure of our nation's airlines has been changing throughout the last decade. The commuter airline industry started out as a relatively small part of our air transportation system. However, deregulation and the resulting changes to the "hub and spoke" concept of our major carriers necessitated the development of new carriers and a new class of airplanes to transport passengers between smaller cities and the major hubs.

The regional airline industry grew rapidly from the small commuter operators to fill this void. Today, nearly 70 percent of U.S. communities offering scheduled air service depend exclusively on a regional airline as the originating or terminating source of transportation. While many of these operations use large airplanes that must be flown under the same rules that apply to major carriers, about 70 percent of the airplanes in the regional airline fleet carry no more than 30 passengers and operate under the commuter airline rules of Part 135 in the Federal Aviation Regulations (FARs).

In some areas, the current operating requirements of the Part 135 rules are less stringent than similar rules that apply to operators of larger airplanes. Also, many of the smaller airplanes, those carrying 19 passengers or fewer, are not required to meet the same airworthiness standards as are required for the larger transport category airplanes.

These differences have often been interpreted as providing a decreased level of safety for the commuter industry. This has been a concern stated periodically by the Safety Board in accident investigations and safety studies. Many of the Board's safety recommendations have thus been directed toward achieving an equivalent level of safety between the commuter airlines and the majors.

Having said that, one must also recognize that there are significant differences between the operation of commuters and major air carriers that would probably make the achievement of absolute equivalency, in terms of accident statistics, unrealistic. For example, while most of the commuter operations are conducted in modern turbopropeller aircraft that have achieved high reliability, there are operators in the commuter industry who fly reciprocating engine powered airplanes that will never achieve the reliability of the modern jet transports. Moreover, commuter pilots are generally less experienced. In fact, the commuters are often a stepping stone for pilots of the major carriers. Other factors that can affect risk are the lower altitude operation of commuter aircraft, which often means greater exposure to adverse weather, and the less sophisticated navigational aids available in the cockpit and at destination airports. Many of these airports may not be equipped with distance measuring equipment or precision instrument landing systems.

When considering the totality of all factors, however, the steadily improving safety record of the commuter industry throughout the 1980s is encouraging and noteworthy. Yet when Vice Chairman Susan Coughlin appeared before this same Committee to discuss commuter airline safety in March 1992, her testimony came on the heels of a year -- 1991 -- in which there were eight fatal accidents with 77 deaths to persons aboard commuter flights.

During the 26-month period since the end of 1991, there have been 14 fatal accidents involving scheduled commuter fights in which 56 persons were killed. During that same period, there have been over 4 1/2 million scheduled commuter departures. While this record is not as good as we would like, it is consistent with the steady improvement during the last ten years.

Several of the 14 accidents involved airplanes with reciprocating engines and with three or fewer people on board.

Four of the 14 fatal accidents that have occurred since the beginning of 1992 involved significant safety issues previously addressed by the Safety Board.

- On January 3, 1992, a commuter flight, a Beechcraft 1900 operated by Commuter Air, was conducting a precision approach to the airport at Saranac Lake, New York, when it struck a hillside at an elevation 1200 feet below the instrument landing system (ILS) glideslope. The captain survived the accident but could provide little insight into the accident cause. He could not recall any airplane mechanical problems affecting power or controllability before the crash. It appears that an unstabilized approach with a steeper than normal descent below the minimum descend altitude and the lack of awareness of ground proximity were factors.

- On June 8, 1992, another commuter airplane, a Beechcraft model C99 operated by GP Express, crashed while the crew was maneuvering to land at the Anniston Metropolitan Airport, Anniston, Alabama. The captain and two passengers died in the accident. The accident investigation determined that the flightcrew lost situational awareness while in solid instrument flight conditions. They were unaware of their actual navigational position with respect to the airport and the initial approach fix, and they failed to adhere to the published instrument approach procedures. Consequently, they did not intercept the ILS glideslope. Nonetheless, they continued their descent until they struck a hillside on the far side of the airport from their intended approach.

The Safety Board found that the captain had virtually no experience in commuter operations, and that the day of the accident was, in fact, his first day as pilot-in-command of a scheduled commuter flight. Further, the first officer had only about 90 hours of pilot time in the airplane. Moreover, the air carrier had just expanded its operation into the Georgia/Alabama area. The Safety Board ultimately determined that the probable causes of the accident were the failure of senior management of the company to provide adequate flightcrew training and operational support for the new geographic operation, and the failure of the flightcrew to use approved procedures.

- At about 8:00 p.m. on December 1, 1993, a Jetstream 31 aircraft being operated by Express II Airlines was approaching the Hibbing, Minnesota, airport on a flight from Minneapolis. The airplane was about three miles from the runway touchdown zone on a localizer back course approach when it crashed into a hill, killing all 18 persons on board. This was the worst accident in terms of loss of life in a scheduled commuter aircraft since the crash of an Atlantic Southeast Embraer 120 in Brunswick, Georgia in 1991.

The weather at the time of the accident was 300 feet overcast, 3/4 mile visibility in freezing rain, snow, and light fog. The Safety Board's investigation of the accident is far from completed. However, I can share some factual information.

The Hibbing accident is the third accident that the Safety Board has investigated involving a Jetstream 31 airplane on approach in conditions conducive to airframe ice accretion. In the previous two accidents, the evidence was conclusive that a longitudinal control loss had occurred and this was attributed to a change in the airplane's aerodynamic characteristics that occurs when ice builds up on the horizontal stabilizer leading edge, the wing flaps are extended, and the airplane is being flown at an above normal approach speed. Following these two accidents, the FAA placed restrictions on the wing flap extension on approach and the approach speeds used with the flaps extended.

These previous two accidents prompted immediate questions as to whether the Hibbing accident was caused by the same phenomena. However, to date the Safety Board's investigation does not support the existence of conditions necessary to attribute the accident to ice accretion. The reconstruction of air traffic control (ATC) radar data indicate that the crew was descending rapidly; however, there is no indication of a loss of control before the crash. While it is too soon to be conclusive, it appears that the descent could have been arrested before there was imminent danger of impact with the ground.

- The most recent accident involved a scheduled commuter operator, Atlantic Coast Airlines doing business as United Express, on January 6, 1994, in Columbus, Ohio. The airplane was a newer and larger Jetstream 41. Again, the approach was being conducted in weather conducive to airframe icing with low ceiling and restricted visibility. The flight was tracking both the glideslope and localizer until it was about 500 feet above the ground when the airplane's stall warning stickshaker activated and the airplane suddenly descended rapidly and crashed. The two pilots, one flight attendant, and two of the five passengers died. The other three passengers escaped from the airplane with minor injuries. Unlike in the other three accidents that I have cited, this airplane was equipped with a new version of a ground proximity warning system (GPWS), soon to be required on most commuter airplanes. However, the accident does not appear to be a controlled flight into terrain (CFIT) accident, the kind of accident GPWS is designed to prevent. The pilots were relatively inexperienced in the airplane. The Safety Board's investigation of the accident is continuing.

The accidents that I have described involve issues that have been repeatedly addressed by the Safety Board in previous accident investigations involving commuter aircraft: pilot situational awareness; pilot experience and training; crew pairing; and company oversight of flight operations. In some cases these accidents also highlight some of the different safety levels between the regulations applying to commuter and major air carriers.

In the mid 1980s, there were three commuter accidents that prompted the Board to issue over 20 safety recommendations to the Federal Aviation Administration (FAA), among which was the recommendation that commuter aircraft be required to be equipped with a GPWS, a requirement on major air carrier airplanes since 1978.

The other safety recommendations addressed issues relating to pilot qualifications and training, the use of training simulators and instrument approach procedures. Although the FAA took several actions at the time, the Board's basic concern remained and similar recommendations were reissued last year with the Anniston, Alabama accident report.

The circumstances of the Saranac Lake, New York accident, the Anniston, Alabama accident, and, to date, the evidence obtained during the continuing investigation of the Hibbing, Minnesota accident, all indicate that there were no engine power or flight control problems that would have rendered the airplanes uncontrollable before they struck the ground. While it is not conclusive that all of these accidents could have been prevented had the airplanes been equipped with a functioning GPWS, and had the pilots responded appropriately to the warning, it is widely accepted that a GPWS warning will provide some margin allowing the pilot additional reaction time to recover the aircraft.

The Safety Board felt strongly about the need for such equipment, and placed the safety recommendation for a GPWS requirement for commuter aircraft on the Board's "Most Wanted" list of safety issues. The FAA did act, albeit slowly, and the final rule to require GPWS on turbine powered airplanes with ten passenger seats or more was published in the Federal Register on March 20, 1992 -- just three days after the last hearing before this Committee on this subject. The rule, which became effective on April 20, 1992, allowed two years before compliance was required. Most operators have delayed the installation of the equipment until the approaching deadline. Therefore, on April 20 of this year the equipment will be required.

While GPWS might be an effective measure that would have prevented these accidents, so too would more stringent cockpit procedures and crew coordination. For instance, in none of these accidents was there evidence of a stabilized approach or altitude awareness in the form of proper callouts by the crew. The Safety Board has been a strong proponent for required crew resource management (CRM) training for both Part 121 and Part 135 operators.

Just recently we were advised by the FAA that the issuance of a Notice of Proposed Rulemaking to require that Part 121 operators provide CRM training to flightcrews is imminent. The Board has been told that the proposed rule will also address Part 135 operators -- requiring those that conduct scheduled passenger service in airplanes carrying ten or more passengers to comply with the same pilot qualification and training requirements that apply to the Part 121 major air carriers.

The Safety Board believes that this rulemaking has industry support and will be a positive step in eliminating the disparity between the commuters and major air carriers.

Another issue that has been addressed by the Safety Board in the aftermath of both Part 121 and Part 135 accidents is that of the pairing of relatively inexperienced crewmembers. The Board has been advised that a final rule is in the clearance process and may be issued shortly. Although the rule will initially apply to Part 121 carriers, it will ultimately apply to Part 135 carriers when the training requirements for the two parts are merged in the new rulemaking.

Thus, the Safety Board believes that pending FAA actions will be responsive to many of the outstanding pilot qualification and training recommendations, and will improve commuter safety.

In addition to these accidents involving Part 135 scheduled operations, the Safety Board has investigated three training accidents that were being conducted under Part 91, but which involved certificated commuter carriers. In examining training issues involved in those and other accidents, the Safety Board has noted that some carriers have not created a corporate structure to instill a safety-first attitude in flightcrews. For example, in two cases there was no direct management oversight of the pilot training program for the airplane model involved. Further, unlike most of the major carriers, the commuters do not generally have personnel dedicated solely to the enhancement of safety. Consequently, the Board believes that FAA oversight of commuter operations becomes more important, and we will continue to support improvements in this area.

Although it has not been a factor in recent accidents, the Safety Board is pleased that the FAA is also addressing the improvement of occupant protection standards for commuter category airplanes. On July 14, 1993, the FAA issued a notice of proposed rulemaking that would modify emergency landing design criteria, require dynamic testing of seats and restraint systems, and upgrade flammability standards for newly manufactured commuter category airplanes that will provide a level of safety commensurate with transport category airplanes. The Safety Board believes that some of the improvements -- such as fire blocking seat cushions -- could and should be required in existing as well as new airplanes, and we will continue to address this issue.

In summary, these recent accidents notwithstanding, the Safety Board is optimistic that pending improvements in equipment requirements, pilot qualification and training issues, and airplane crashworthiness standards will result in even further improvements in commuter airline safety.

Further, the benefits to be derived from the introduction of the Global Positioning System (GPS) as a precise navigation aid should be recognized. The Anniston, Alabama accident, as well as several prior accidents that involved navigational error -- the Beech 99 accident in Grottoes, Virginia in September 1985 that killed 14 persons and the Twin Otter accident in Molokai, Hawaii in October 1989 that killed 20 persons -- might have been prevented with relatively inexpensive GPS equipment.

Other safety measures that should have a positive effect on future commuter airline safety include the planned installation of TCAS and the FAA's recent move to require that those carriers that operate in winter conditions have a formal deicing plan similar to those of the major carriers.

Mr. Chairman, that completes my testimony, and I would be happy to respond to questions.

ADDITION~~S~~ TO THE RECORD

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Affiliated with American Federation of Labor and Congress of Industrial Organizations

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TESTIMONY OF JAMES LITTLE ON BEHALF OF THE TRANSPORT WORKERS UNION OF AMERICA ON THE ADEQUACY OF COMMUTER AIRLINE SAFETY STANDARDS BEFORE THE SUBCOMMITTEE ON AVIATION OF THE COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION

February 9, 1994

My name is James Little and I am a member of the International Executive Board of the Transport Workers Union of America, and a working dispatcher with American Airlines. The TWU is the collective bargaining representative for the majority of dispatchers employed by U.S. carriers, including those working for Northwest Airlines, USAir, TWA, Continental and Continental Express, Horizon, Alaska Airlines, Hawaiian Airlines, Aloha Airlines and American Airlines and its commuter affiliates. I am providing this written testimony concerning commuter flight safety on behalf of our dispatch membership and on behalf of TWU President Sonny Hall and Air Transport Director Ed Koziatek.

The TWU and, I believe, most working dispatchers strongly believe that a system of positive operational control staffed by qualified and licensed dispatchers must be applied to all commuter operations. Simply put, given the new importance of commuter carriers in supporting scheduled domestic service provided by major carriers, there is no longer any excuse for failing to insist on adherence to the full dispatch system required by FAR Part 121 - a system which unquestionably provides for the highest level of safety in commercial aviation.

In U.S. domestic operations, there are presently three general operations control systems - FAR 121, FAR 121 Supplemental, and FAR 135 operations. These operational control systems vary with the type of operations the carrier is authorized to conduct, the complexity of the operations, and the means of communications available to the individual exercising operational control. In descending order of precision and complexity, the present systems in effect are flight dispatch, flight release, and flight locating. These systems can be described as follows:

> FAR Flight Dispatch System - FAR 121.533 and FAR 121.535 require that both flag and domestic operators employ licensed Aircraft Dispatchers to exercise direct control of flights. FAR 121.99 requires that flag and domestic operations provide radio communications facilities capable of quickly and reliably contacting a flight at all points while enroute. The system provides for parallel redundancy by joint decision making where, except in emergency, the PIC (Pilot-In-

Command) and the Aircraft Dispatcher must agree before a flight may be initiated, continued, or diverted, thus creating the highest level of safety.

FAR 121 Supplemental - The flight release system FAR 121-537 places major responsibility for the operational control of supplemental air carrier and commercial operators with the Director of Operations who may delegate the direct control of the flight to other employees. However, the Director always retains supervisory responsibility. The employees exercising direct operational control are termed Flight Followers. Operators are not required to be able to establish direct radio contact with supplemental flights while they are enroute.

FAR 135 Flight Locating Systems - FAR 135.77 does not specify which operator employee is responsible for operational control. A Part 135 operator delegates the responsibility for a specific flight to the PIC. The individual exercising operational control is not required to be able to communicate with the aircraft during a flight.

Part 135 Operators, as stated above, commonly delegate the authority for initiating flights to PICs. Such delegation has generally proven to be adequate for the operations of general purpose, single-engine and multi-engine aircraft, and helicopters in on-demand operations. However, the FAA has also stated that such systems are inappropriate for commuter operations because their complexity requires more extensive planning and coordination. The agency, therefore, has generally recommended that operators establish operational control systems that require the concurrence of an individual authorized to exercise operational control and the PIC for all flight release decisions. In complying with the FAA request, some FAR 135 operators have hired licensed Dispatchers in their operations departments as Flight Followers. However, FAR 135 does not specify the qualifications, training, or titles of individuals authorized to flight follow, or otherwise provides for joint authority and decision making capability.

Our analysis of the TWU Safety/Irregularity[1] Reports for FAR 135 operations indicates various weaknesses in the operational control systems in areas such as communications, flight planning, MEL/CDL items, passenger service, and fuel monitoring - weaknesses which are a direct result of the differing obligations imposed by Part 121 and 135. This can be made apparent by comparing the definitions and requirements set forth in the two sections:

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[1] This reporting system was developed for both 121-135 operators to record hazardous or unsafe operations, incidents, or practices involving flights not operated under a Dispatch Release.

Operational Control

FAR Part 1 - Defines operational control as "... the exercise of authority over initiation, conducting, or terminating a flight."

FAR 135.77 - Explicitly requires that each operator exercise operational control. However, the method by which an operator does so is not defined in Part 135.

FAR 121.599 and FAR 121.595 - "No person may start a flight unless an Aircraft Dispatcher specifically authorizes that flight."

Dispatch Release

FAR 121 - Requires that both the Aircraft Dispatcher and the PIC sign the Dispatch Release. The Dispatcher and the PIC signatures certify that, in the judgment of each, the flight can be made safely as planned.

FAR Part 135 - Does not require operators to prepare a formal release authorizing a specific flight.

Pre-flight Briefing

FAR 135 - The PIC is responsible for self-briefing in departure, en route, and destination weather.

FAR 121 - Before dispatching any flight, an Aircraft Dispatcher must be thoroughly familiar with the reported weather conditions, the forecasts of weather conditions (including adverse weather), and the status of communications, navigation and airport facilities. FAR 121.601 (A) and (B) require that the Aircraft Dispatcher provide the PIC with a pre-flight on each of these items.

Facilities and Staffing

FAR 135 - Does not provide specific guidelines.

FAR 121 - (121.107)(121.395) Requires that operators provide enough Dispatch Centers and qualified Aircraft Dispatchers to ensure the adequate operational control of each flight.

Training

FAR 135 Operators - (FAR 135.323) Although the FAR covers training requirements for crew members, there is not a defined curriculum for Flight Following personnel.

FAR 121 Operators - (FAR 121.463) Mandates specific guidelines for initial Aircraft Dispatcher certification, recurrent training, and proficiency check.

Duty Time

FAR 135 - No duty time limitations for Flight Followers specified.

FAR 121 - Duty time limitations are outlined under 121.465.

Fuel Monitoring, Weather Avoidance and Operational Anomalies

FAR 135 - Does not specify the action the PIC must take if an alternate airport does below minimums when the flight is enroute or how much fuel must be on board when the flight arrives overhead a destination or alternate airport, or provide pertinent information to the crew on safety related items.

FAR 121.535 - Mandates that the Airport Dispatcher issue necessary instructions and information for the safety of the flight.

Communication

FAR 135 - No enroute communications are required between the flight locating system and the aircraft.

FAR 121.99 - Requires both flag and domestic operations to provide rapid and reliable communications at all points enroute.

The above safeguards required in a 121 operation providing full dispatch service and joint responsibility between the PIC and the Aircraft Dispatcher protect the public in a number of common situations, described below:

1. Dispatchers can (and are required) to provide a second alternate airport in situations where weather problems

prevent access to the primary airport or the original alternate.

2. Briefings on weather conditions and other operational problems take place between the PIC and the Dispatcher prior to departure.
3. The Dispatcher must keep the flight informed enroute of such common problems as deteriorating weather at the destination, ATC delays. He/she must also evaluate the fuel situation in order to determine if the holding fuel on board will be enough to meet any delays, as well as make a judgment concerning the choice of diversion airports within fuel range.
4. Dispatchers communicate with the airports as to when and if an off schedule operation can be handled, particularly if there are problems with ramp and gate space.

Summary

When positive operational control is in place, it provides the best means of avoiding hazards related to flight. Thunderstorms, Clear Air Turbulence, Unsafe Airport Conditions, Adverse Low Level Wind conditions, and Low Ceilings/Visibilities show up less often as probable causes or contributing factors in accident or incident investigations.[2] In short it is simply a better and safer system, primarily because it gives two licensed professionals - the Dispatcher and the PIC - independent operational authority, including release authority and forces them to arrive at decisions jointly.

In our view there was never any reason in the first place to have a lower standard of operational control for commuter flights. There is even less reason when circumstances are such that commuter operations are increasingly replacing Part 121 domestic flights. This double standard should be eliminated. We hope the Committee works with the FAA to do so.

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[2] NTSB Reports:

Air Illinois Howker Siddley, Oct. 11, 1993

L'Express Airlines, Inc., July 10, 1991

GP Express Airlines, Inc., June 8, 1982

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February 23, 1994

The Honorable David R. Hinson
Administrator
Federal Aviation Administration
800 Independence Avenue, S.W.
Washington, D.C. 20591

Dear Mr. Administrator:

Thank you very much for your testimony at the Subcommittee's hearing on commuter airline safety standards. I was very impressed with your command of the issues and, even more importantly, with your willingness to see that certain longstanding issues in the area of commuter safety standards are brought to closure. It is obvious that your leadership of the agency is already making its mark.

In the hearing, you announced a number of important initiatives and decision points. I want to recap those and urge that, where possible, the agency's actions be accelerated.

First, with regard to improved pilot training standards, you announced that the FAA will be making changes so that Part 121 and Part 135 will be equivalent and improved to include crew resource management training. You and Mr. Broderick suggested that it would still be several months before a proposed rule is issued and then another several months before it could be finalized. It appears to me that this schedule could certainly be accelerated, given the fact that there is broad consensus within the industry, the pilot community, and the agency as to the need for these changes. For this rule to be subjected to months of Departmental and OMB coordination and review when there is a consensus is bureaucratic overkill. I would strongly urge that you set a much accelerated target for completing these vitally important regulatory improvements and enlist Secretary Peña and OMB Director Panetta to ensure that the safety benefits of these regulations are realized as soon as possible.

Second, with regard to flight time regulations, you announced that you were going to give the advisory committee working on this until June to resolve this issue and if there were no resolution at that point, the agency would decide on its own how to proceed. While I am pleased that you are willing to move forward irrespective of the advisory committee at some point, I see little benefit in giving the advisory committee process until June to work something out. The advisory committee has been at it for two years with no progress, and it was clear from the testimony presented at the hearing that no one expects the advisory committee to produce a proposal on flight time regulations. I would urge that you begin immediately the process of developing new flight time regulations that brings some common sense approaches to ensuring that there are reasonable periods of duty and flight time interspersed with adequate rest periods.

Third, you committed to having the agency seriously look into requiring dispatch systems for Part 135 airlines. I am very pleased with your interest in pursuing this. After your appearance, we had a presentation by a group of flight dispatchers. I am attaching part of the transcript of Mr. O'Keeffe. I found his statement particularly compelling and convincing as to the need for dispatcher systems. The dispatcher panel also provided convincing testimony that dispatchers should not be a cost issue at an airline as the overall efficiency of the operator would be improved. I would be interested in learning of your plans and timeframe to come to a decision on requiring dispatcher systems for Part 135 airlines.

Again, your commitment to improving aviation safety was very much evident at the Subcommittee's hearings. I look forward to learning of your plans with regard to making the commuter airline industry as safe as the larger airlines. I know that is a goal you and I share.

Sincerely yours,

Jim Oberstar

JAMES L. OBERSTAR
Chairman
Subcommittee on Aviation

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